REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES,

DURING THE YEAR

1870.

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Proceedings of the Hon'ble the Lieutenant Governor, in the Judicial Department, No. 1388, dated 26th September 1871.

No. 2487.

FROM

THE OFFICIATING REGISTRAR,

CHIEF COURT OF THE PUNJAB,

To

LEPEL H. GRIFFIN, ESQUIRE,

OFFICIATING SECRETARY TO GOVERNMENT, PUNJAB.

Dated LAHORE, *the 25th July 1871.*

SIR,

I AM directed to submit the Annual Report on the Administration of Civil Justice in the Punjab for the year 1870.

Chief Court of the Punjab.
CIVIL DEPARTMENT.
PRESENT :—
C. BOULNOIS, ESQR.,
C. R. LATOUCHE, ESQR.,
J. S. CAMPBELL, ESQR.,
} Judges.

2. The usual returns, both local and imperial, have been prepared, but as several of them are of no great general interest or importance after their results have been incorporated in the Report, it has been deemed sufficient on the present occasion to print only the Imperial Returns, and Nos. I, II and III, of the local series.

3. The remarks of Commissioners and Deputy Commissioners on points of interest have been embodied in this report, instead of being separately printed in extenso. By these means the bulk of the Report has been much reduced, and at the same time it is hoped no point of real importance has escaped attention.

The usual order of subjects will be followed.

ORIGINAL SUITS.

5. The year is remarkable for an increase in the number of Civil suits, quite unprecedented. The highest number of suits instituted in any one year since the establishment of the Court was in 1866, when it was 165,520. This number was nearly approached in in 1869, but in 1870 it has been far exceeded, the number of institutions having been 205,606.

Large increase of Suits.

6. The figures for the last five years are as follows :—

Figures of five years.

	1866.	1867.	1868.	1869.	1870.	Difference.
Ordinary Civil Courts, ...	134,243	114,502	124,866	130,712	168,032	+ 37,320
District Small Cause Courts, ...	24,751	22,662	27,162	26,115	30,628	+ 4,513
Cantonment Small Cause Courts, ...	6,526	7,464	7,522	7,768	6,946	— 822
TOTAL, ...	165,520	144,628	159,550	164,595	205,606	+ 41,011

7. The number in 1870 exceeds that of 1869 by 24·9 per cent., and that of 1866 by 24·2 per cent.

8. In ordinary Civil Courts the number of institutions has been increasing steadily from year to year since 1867.

9. In Small Cause Courts there was a slight falling off in 1869 as compared with the previous year.

10. Taking the results for the five years generally, it will be seen that the increase in 1870, over the average of the *four* preceding years, in District Courts, is 34 per cent., while that in Small Cause Courts is only 21 per cent. Compared with the year 1869, the increase has been in District Courts 28 per cent., and in Small Cause Courts 17 per cent.

Per-centage of increase.

11. In Cantonment Small Cause Courts the number of cases has increased steadily from 1866, but shows a decrease of 10 per cent. in 1870.

Decrease in Cantonment Courts.

12. The following table shows the total institutions in each District for five years.

DISTRICTS.	Instituted in					Difference between 1869 and 1870.	Per-centage.
	1866.	1867.	1868.	1869.	1870.		
Dihlí, ...	5,101	4,935	5,083	5,813	7,889	+2,076	35 p. c. *increase.*
Gúrgáon, ...	2,445	1,710	1,691	1,862	2,074	+ 212	11 p. c. „
Karnál, ...	2,482	1,932	2,050	2,470	3,461	+ 991	40 p. c. „
Hissár, ...	1,953	1,533	1,742	1,403	2,620	+1,217	86 p. c. „
Rohtak, ...	2,141	1,485	1,496	1,329	2,393	+1,064	80 p. c. „
Sirsa, ...	1,263	904	892	747	1,378	+ 631	84 p. c. „
Ambála, ...	8,167	7,472	7,177	7,408	9,154	+1,746	23 p. c. „
Ludhiána, ...	6,955	6,090	6,096	7,685	8,697	+1,012	13 p. c. „
Simla, ...	2,286	1,838	1,852	2,144	2,985	+ 841	39 p. c. „
Jálandhar, ...	11,394	10,191	11,613	10,297	12,107	+1,810	17 p. c. „
Húshiárpúr, ...	12,989	10,853	15,747	13,545	16,708	+3,163	23 p. c. „
Kángra, ...	4,500	3,476	4,407	5,467	6,668	+1,201	21 p. c. „
Amritsar, ...	12,228	11,209	14,326	11,456	14,191	+2,735	23 p. c. „
Gúrdáspúr, ...	7,647	5,101	4,338	7,963	12,409	+4,446	55 p. c. „
Syalkot, ...	6,408	8,571	9,356	11,919	15,445	+3,526	29 p. c. „
Lahore, ...	11,556	9,053	11,027	12,140	13,769	+1,629	13 p. c. „
Fírozpúr, ...	7,379	6,861	6,302	6,159	9,198	+3,039	49 p. c. „
Gújránwála, ...	4,483	3,756	4,531	4,885	6,056	+1,171	23 p. c. „
Rawal Pindí, ...	6,468	6,083	7,241	6,720	8,663	+1,943	28 p. c. „
Jehlam, ..	3,825	3 139	2,615	3,080	3,673	+ 593	19 p. c. „
Gújrat, ...	3,746	3,029	3,856	4,303	5,278	+ 975	22 p. c. „
Sháhpúr, ...	3,315	3,157	3,869	3,922	4,852	+ 930	23 p. c. „
Múltan, ...	3,074	2,621	3,010	3,348	3,430	+ 82	2 p. c. „
Jhang, ...	3,353	3,419	3,430	4,341	4,947	+ 606	13 p. c. „
Montgomery, ...	2,619	2,055	2,699	2,812	3,490	+ 678	24 p. c. „
Muzafargarh, ...	3,935	3,423	3,668	2,991	3,083	+ 92	3 p. c. „
Banú, ...	4,946	4,241	3,458	2,818	3,919	+1,101	39 p. c. „
Dehra Ismaíl Khán,	5,056	4,393	4,022	4,744	5,251	+ 507	10 p. c. „
Dehra Ghází Khán,	4,275	3,947	3,710	4,395	4,707	+ 312	7 p. c. „
Pesháwar, ...	7,204	6,313	6,489	4,422	4,878	+ 456	10 p. c. „
Hazára, ..	1,590	1,180	902	1,276	1,185	— 91	7 p. c. *decrease.*
Kohát, ...	737	658	855	731	1,048	+ 317	43 p. c. *increase.*
Total, ...	1,65,520	1,44,628	1,59,550	1,64,595	2,05,606	+41,011	24·9 p. c. increase.

Increase in different districts.

13. The largest per-centage of increase, as compared with 1869, occurs in the following Districts :—

Hissár	86 per cent.
Sirsa	84 „
Rohtak	80 „
Gúrdáspur	55 „
Fírozpúr	49 „
Kohát	43 „
Karnál	40 „
Banú	39 „
Simla	39 „

In none of these Districts, except the last, is there a Small Cause Court.

In Districts where there are Small Cause Courts, the general increase of litigation was more moderate in proportion, for instance—

Dilhí	35	per cent.
Amritsar	23	„
Húshiárpúr	23	„
Jálandhar	17	„
Ludhiána	13	„
Lahore	13	„
Peshawar	10	„

This seems to show that the class of suits triable in Small Cause Courts is reaching its natural limits at a greater rate than ordinary Civil Suits.

Increase in rich districts.

14. Of the 41,011 additional suits in 1870, no less than 13,870 were filed in the following rich and populous Districts:—

Húshiárpúr	3,165
Amritsar	2,735
Gúrdáspúr	4,446
Syalkot	3,526
TOTAL, ...	13,870

It is in such Districts that the effect of any change in the law, such as the reduction in duty on plaints, is first felt; and it is in such Districts also that the fluctuations of agricultural prospects are earliest appreciated, and have the most marked effect on litigation.

15. There are many Districts in which the per-centage of increase is higher, but in such the number of transactions is more limited, and the test given by a per-centage is not so complete.

Causes of increase.

16. The reasons given by Commissioners for the increase of suits are not very varied. The Commissioner of Dihlí ascribes the increase to the operation of the Court Fees Act in reducing the duty on plaints,—the desire on the part of lenders to realize sums lent during the famine,—the growing resort of people to Civil Courts, rather than to their neighbours for the settlement of their disputes.

17. The Commissioner of Hissár also attributes part of the increase to the reduction of stamp duties, and adds another cause—the good autumn harvest. This Division suffered much from famine in the preceding year, and there was a falling off in the number of Civil suits, which has been more than recovered during 1870.

18. The Commissioner of Ambála attributes the increase to better harvests and to the reduction of Court Fees, but remarks that claims for proprietary right in land have decreased.

19. The causes adduced by the Commissioner of Amritsar are the return of prosperity, and the decrease of stamp duty in cases of the Small Cause Court class.

20. The Commissioner of Lahore alone attributes part of the increase to the effect of the introduction of the Limitation Act, but the mode in which this cause still operates is not explained.

21. In the Dehraját the reduction of stamp duty is the only cause assigned.

22. In Ráwal Pindí the causes assigned are the reduction of stamp duties, the improvement in the health of the people, and the general tendency of litigation to increase. A nominal increase was also caused in this Division by the fact that plaints rejected and returned were included in the returns of 1870 as cases instituted, whereas in 1869 they were excluded. The correct course is to exclude them from cases instituted and disposed of.

23. In the Múltan Division the causes assigned are advancing wealth and reduced stamp duties. The Commissioner also remarks that in the Jhang District the increase is partly owing to the spread of education among the nomad classes.

24. In Pesháwar the improvement in the health of the people was considered the chief cause of increase.

25. There is thus a very general opinion that the reduction of the rates of stamp duty, especially in petty cases, of which so large a proportion of the litigation is composed, has had a considerable effect in increasing the number of institutions.

26. The return of agricultural prosperity must also have had a material share in producing such a marked increase in litigation. In a year of distress

plaintiffs are naturally deterred by the expense from bringing forward their claims, if the claims can be kept alive till a better year, when defendants will be more likely to be able to pay.

Although under particular circumstances famine may cause an increase of suits in the manner stated in last year's report, the more general and natural state of things is that during times of distress the people do not dwell so much on their private transactions, whereas in times of plenty their transactions ramify, they have time and money to spend in litigation, there is a prospect of recovering claims more easily, they buy and sell more freely, and the result is an increase of suits.

27. An epidemic of fever or cholera has always a marked effect in keeping people away from the Courts. They may be unable to travel, or to leave their relatives, and their minds are oppressed and distracted, and the litigious spirit is for a while subdued. Such causes led to a decrease in the Ráwal Pindí and Pesháwar Divisions in 1869, and the removal of them in 1870 brought about an increase. The decrease in 1869 was specially noticeable in the Pesháwar District, where the sickness had been very severe. The number of Civil suits is only gradually recovering itself in this District, but a considerable number are now diverted to the Settlement Courts.

CLASSIFICATION OF SUITS.

28. Of the 203,120 suits shown in the classification statement, 26,688 were suits for land and interests in land, including rent,

Suits for money due.

and 176,432 were for other rights, of which all but about 15,000 may be classed as suits founded on contract, express or implied. By far the largest class of suits is that coming under the head of "money due," which numbered 144,958 cases, being 19 per cent. more than the previous year. The principal sub-heads included in this are—

Registered bonds	9,999	cases.
Unregistered	51,527	„
Parole debts	34,186	„
Account stated	37,000	„
Money paid or received	4,791	„
Goods sold and delivered	6,030	„
Other contracts	1,425	„

29. The heading "money paid or received" is probably misunderstood, as it is blank in most Districts, while in Amritsar there were 2,879 cases: the total is made up chiefly by seven Districts.

30. Suits on unregistered bonds have increased by 23 per cent., while suits on registered bonds have increased by 18 per cent. only. Of the suits on unregistered bonds about one half were decided by Tahsildars and Naib-Tahsildars.

Suits for injuries.

31. There were 302 suits for injuries to the person, chiefly in the following Districts :—

Ambála,	52
Fírozpúr,	37
Ráwal Pindí,	33

In Dihlí, where 102 such suits were reported last year, there are only six shown this year.

Of 1,420 suits for injuries to property, the largest number occurred in Kángra (324), and the next in Húshiárpúr (298).

Suits for defamation.

32. Of 822 suits for defamation, the largest number occurred in—

Gújránwála,	181
Syalkot,	116
Amritsar,	113
Kángra,	82

In most other Districts these suits were very few in number, and in the Districts here specified there may have been some error of classification.

Specific performance.

33. Suits to compel specific performance of contract appear chiefly in Ráwal Pindí (122), and Ambála (82).

Partnership.

34. Suits to settle partnership and other accounts were most numerous in Fírozpúr—309 out of 785 in the province. The inclusion of "other accounts" with partnership accounts renders this heading less distinctive than it otherwise would be.

Religion and caste.

35. There were only 18 suits "connected with religion and caste," but some such suits are probably included under "defamation."

Of 53 suits connected with trusts and religious endowments, 17 occurred in Gújránwála, and 11 in Ráwal Pindí.

36. Suits connected with betrothal still form a considerable class. They numbered 2,202, and were chiefly in—

Betrothals.

Gújránwála,	321
Syalkot,	251
Amritsar,	210
Fírozpúr,	162
Kángra,	129
Gúrdáspúr,	127

These Districts have always been noted for the frequency of suits of this class. The greater number of these suits are heard by Assistant Commissioners and Extra Assistant Commissioners.

37. Suits for custody of wives have increased from 716 to 1,202. The increase is clearly attributable to the reduction of the stamp duty on the plaint from Rs. 10 to 5 in the Court Fees Act. The increase is marked in the Amritsar, Gújránwála and Pesháwar Districts, also in the Múltan Division, where such suits were rare last year.

Custody of wives.

38. Adoption suits were very few, only 24, occurring in three or four Districts only.

Adoption.

39. Suits regarding custody of infants are fewer than might have been expected (24), though more than last year (15).

Custody of infants.

40. Inheritance cases show an increase of 35 per cent., chiefly under the head of Hindu Law.

Inheritance.

41. Suits relating to the revenue were 5,051 in number. The classification under this head is not uniform in all Districts. These suits have increased considerably: the number last year having been only 3,647. From the remarks in the Deputy Commissioner of Pesháwar's report, it would seem that some cases that should have been heard on the Revenue Side, the District being under settlement, have been included in the Civil Returns. This may also have been the case in some other Districts under settlement. From enquiries recently made it appears that, while in some Districts this heading is always left blank, in others various kinds of suits are included under it which should not be so included. For instance, suits for proprietary right (Ambála and Ráwal Pindí); Canal suits (Dihlí); suits for value of produce (Jehlam); manure on village lands (Muzafargarh). In a

Suits relating to the Revenue

good many Districts the suits here included are chiefly suits by Lumberdars against village shareholders for Government Revenue, and by Maafeedars against Lumberdars for assigned Revenue, and it is chiefly for these suits that the column is intended. The variety of practice shows that any vagueness in the headings leads to great confusion in classification. The general headings of this return are those prescribed by the Statistical Committee for the Imperial Returns, except those relating to Rent and Tenancy cases, which have been revised and specially adapted to the circumstances of the Punjab. The particular heading "suits relating to the Revenue" is one prescribed by the Committee, but a more distinctive heading is evidently required.

Mortgages

42. Land mortgage-suits numbered 2,879. They are remarkably few in the Hissár Division, only 13, where there was considerable distress during the famine. None are shown in Pesháwar, Múltán and Montgomery.

Pre-emption.

43. There were 908 suits for right of pre-emption in land, and 345 for other property. In the Dihlí, Hissár and Pesháwar Divisions, these claims were rare. They were numerous in the Divisions of Jálandhar, Amritsar, Lahore and the Dehraját. Suits for pre-emption of property other than land were most frequent in the Syalkot District.

Land suits

44. Suits between the superior and inferior holders of land were 1,648 in number, of which 310 were in the Dehra Ismaíl Khán District. Such suits were also numerous in the Amritsar Division.

Partition.

45. Suits for partition of land occurred chiefly in the following Districts :—

Múltán,	294
Jálandhar,	215
Syalkot,	127
Banú,	126
Lahore,	116
Ambála,	95

Boundaries

46. Suits regarding boundaries were rather numerous in particular Districts—

Húshiárpúr,	47
Gújránwála,	45
Jálandhar,	44
Amritsar,	40

The returns do not show how far these were disputed boundaries between fields, and between estates and villages.

Rent and Tenancy.

47. The remaining columns of the statement show Rent Suits :—

1*st*.—Not under the Punjab Tenancy Act.
2*nd*.—Under the Punjab Tenancy Act.

The headings have been entirely revised in communication with the Financial Commissioner, so as to agree with the Revenue Returns of Districts under settlement.

Arrears of Rent.

48. Suits to recover arrears of rent from tenants without right of occupancy were only 2,858 in number. This is one of the commonest forms of rent suits, and would in other provinces be heard under a Rent Act by Revenue Courts. In the Punjab such suits are on the same footing as ordinary Civil Suits, and are heard by the Civil Courts, except when heard by Settlement Courts in Districts under settlement. These suits were numerous in the following Districts :—

Ráwal Pindí,	265
Muzafargarh,	258
Dihlí,	256

In Húshiárpúr there are none shown in the return, which is remarkable. Last year the suits to recover arrears of rent from tenants of all kinds were 4,245, of which the largest number were in the Ambála District, 459. There has been a slight decrease in suits for recovery of rent, and the number in both years is so small as to show that tenants are, upon the whole, well off and able to pay their rent without difficulty. An exact comparison with previous years cannot be made owing to the changes in the headings, but taking the suits against tenants without right of occupancy, and with right of occupancy together, the number in the two years shows no great difference.

There were 1,258 suits for rent against occupancy tenants, and considering that the rates paid by such tenants are usually so light, the large number in the Kángra District (340) is remarkable. There were only 90 suits against tenants without right of occupancy in that District. The number in Ráwal Pindí (230) is also high.

49. The heading "suits to resume or assess land held exempt from revenue or rent" is blank in most Districts, but 61 cases are shown in Bánú, some of which possibly belong to some other head.

Suits to resume or assess land.

50. The number of suits shown in Column 52 of the Statement, as "rent suits not coming under any of the preceding heads" is so large in some Districts, as to show that the classification has not been properly attended to—*e. g.*,

Miscellaneous rent suits.

Sháhpúr,	336
Lahore,	303
Jhang,	255
Ambála,	250

51. The suits of all kinds under the Punjab Tenancy Act were 4,659 in number.

Suits under Punjab Tenancy Act.

52. The suits by tenants for occupancy status under Section 5 of the Act numbered 1,215, of which 487 were in the Syalkot District recently settled; whereas in the Gúrdáspúr District, which is similarly circumstanced, there were only five cases.

Suits by tenants, Section

53. In the Divisions of Hissár, Ámbála, Múltan, Dehraját and Pesháwar, such suits were almost unknown. There were a good many in the following Districts :—

Gújrat,	184
Jálandhar,	121
Amritsar,	115
Húshiárpúr,	98

Gújrát and Amritsar have been recently under settlement, and so has part of Húshiárpúr, but in Jálandhar there has been no recent settlement, and this is an instance in which tenants appear to have voluntarily come forward to claim the benefit of the Act. There were only 14 cases in this District in which landlords brought suits to rebut the presumptive right of occupancy established under Section 6.

54. The number of cases in which tenants sued for a right of occupancy under Section 8, that is, under any other ground than those mentioned in the rest of the chapter, is very small, being only 64, chiefly in Jehlam, Lahore and Fírozpúr.

Suits by tenants under Section 8

55. Suits by landlords for rebuttal of presumptive right of occupancy were very numerous in Gúrdáspúr, where there were 925, out of a total for the province of 1,398. The rest were

Suits by landlords, Section 6.

chiefly in Amritsar and Syalkot. In these three Districts the settlement records had been revised, and tenants had been restored to their presumptive status under Section 6.

Enhancement, Section 11.

56. Suits for enhancement of rent under Section 11 of the Act were much fewer than might have been expected, and occurred almost entirely in Districts recently settled—

Gúrdáspúr,	24
Lahore,	21
Syalkot,	15
Amritsar,	14

Abatement, Section 14.

57. Of 185 suits for abatement of rent, 114 occurred in Lahore, and the rest chiefly in Amritsar and Gúrdáspúr.

Arrears of rent, Section 15.

58. Suits for arrears of rent, where remission has been allowed under Section 15, are shown only in the Lahore District. In other Districts, if such cases occurred, they have probably been shown as cases of arrears of rent not under the Punjab Tenancy Act. The Act makes no express provision for the recovery of arrears of rent, and hence such cases have been classed as rent suits not coming under the Act. There is room for doubt as to whether a case in which the rules of remission—contained in Section 15—have been applied, is a case under the Act or not, and hence the column has not been uniformly filled up.

Suits under Section 18.

59. Of 493 suits for setting aside award of division and appraisement of produce taken for rent, under Section 18, 446 occurred in Húshiárpúr, and were heard chiefly in the Sadr Courts of the District.

Ejectment, Section 19

60. Suits for ejectment of tenants were not numerous. Out of 101 under Section 19, clause 1, 65 occurred in Kohát. These are cases in which a tenant with right of occupancy is ejected who has been decreed against for rent, and the decree has remained unsatisfied for 15 days or upwards.

61. Of the next class, under clause 2 of the same Section, ejectment on payment of compensation, there were 104 cases, of which 95 occurred in Firozpúr. It is doubtful if the entries under the two classes last mentioned are correct.

62. Ejectment of tenants without right of occupancy was more freely resorted to. There were 812 cases, chiefly in the following Districts :—

Ejectment, Section 20.

Gúrgáon,	229
Húshiárpúr,	181
Lahore,	165

63. Ejectment was rarely contested by tenants under Section 25, *i. e.*, before actual ejectment, but there were 122 suits under Section 26, *i. e.*, after ejectment, or for illegal ejectment. The return does not show whether these were suits by tenants-at-will, or by occupancy tenants : probably the former in most cases.

Section 25.

Section 26.

64. Most of the entries in this voluminous statement have now been reviewed, and the conclusion come to upon the whole, is that some improvement has been shown in the mode of classifying suits, but much still remains to be done. There are apparently more defects in the columns relating to rent and tenancy suits than in other parts of the statement, as there have been great changes in this part of the return. It is also uncertain whether the cases entered in the revenue returns in Districts under settlement have been included in the Civil Returns as well, or not. In future years more correct returns may be expected.

Improvement in classification

SUITS FOR DISPOSAL.

65. The number of suits for disposal was 2,13,314 against 1,77,615 in 1869, or an increase of 35,697 cases. The number pending at the end of 1869 was 7,700. The number pending at the end of 1870 was 9,600 ; so that the Courts kept pace very well with the immense increase of work.

66. The following table shows the details, and the order of Districts in the two years, as regards number of cases for disposal :—

Order in 1870.	Order in 1869.	Districts.	Total on the file, including those remaining from 1869.	Disposed of in 1870.	Pending at close of 1870.	Average duration in the disposal.
1	1	Húshiárpúr, ...	18,137	17,148	989	25
2	4	Syalkot, ...	15,922	14,934	988	17
3	2	Amritsar, ...	14,905	14,015	890	22
4	3	Lahore, ...	14,641	14,099	542	13
5	6	Gúrdáspúr, ...	13,168	12,261	907	23
6	5	Jálandhar, ...	12,706	12,099	607	22
7	10	Fírozpúr, ...	9,478	9,008	470	22
8	8	Ambála, ...	9,455	9,113	342	18
9	7	Ludhiána, ...	8,809	8,542	267	14
10	9	Ráwal Pindí	8,746	8,503	243	21
11	12	Dihlí, ...	8,052	7,675	377	10
12	11	Kángra, ...	6,931	6,580	351	26
13	13	Gújranwála, ...	6,341	5,976	365	24
14	18	Gújrát, ...	5,373	4,978	395	19
15	14	Dehra Ismaíl Khán, ...	5,348	5,176	172	16
16	17	Jhang, ...	5,072	4,905	167	16
17	15	Pesháwar, ...	4,944	4,873	71	13
18	19	Sháhpúr, ...	4,932	4,753	179	17
19	16	Dehra Ghází Kháp, ...	4,781	4,631	150	16
20	23	Banú, ...	4,052	3,807	245	14
21	21	Jehlam, ...	3,754	3,585	169	21
22	25	Karnál, ...	3,557	3,430	127	16
23	24	Montgomery, ...	3,520	3,458	62	15
24	20	Múltan, ...	3,507	3,404	103	18
25	22	Muzafargarh, ...	3,169	3,096	73	36
26	26	Simla, ...	3,027	2,951	76	16
27	28	Hissár, ...	2,634	2,588	46	11
28	30	Rohtak, ...	2,397	2,383	14	14
29	27	Gúrgáon, ...	2,116	2,059	57	18
30	31	Sirsa, ...	1,393	1,344	49	13
31	29	Hazára, ...	1,386	1,296	90	69
32	32	Kohát, ...	1,061	1,044	17	13
		Total, ...	2,13,314	2,03,714	9,600	19

67. It will be seen that the Húshiárpúr District still stands at the head of the list, and that Syalkot has risen from the 4th to the 2nd place.

68. About 90,000 cases, or nearly one half of the entire litigation of the Province, occurred in the six Districts of—

Húshiárpúr.	Lahore.
Syalkot.	Gurdáspúr.
Amritsar.	Jálandhar.

69. The pending file has been much reduced in Húshiárpúr, as compared with the previous year, and also in Lahore, but in the other four Districts it has increased, especially in Syalkot.

DURATION OF SUITS.

70. The average duration of cases was 19 days, which is the same as last year. This includes the average of Small Cause Courts, which materially affects the results in Districts where there are such Courts. Thus, in Lahore, the average was 13 days; in Ludhiána 14 days; in Dihlí 10 days, and in Pesháwar 13 days. But, on the other hand, in Húshiárpúr, Amritsar and Jálandhar, where there are also Small Cause Courts, the average was considerably higher, being 25 in the first, and 22 days in the other two. Many Districts where there are no Small Cause Courts have a much smaller average duration.

71. The general average for Small Cause Courts is 10 days. The average will always be lower in such Courts than for the District generally. Yet we find that in Ludhiána the District average is only one day more than the Small Cause Court average. In Jálandhar, Húshiárpúr and Amritsar, there is a great difference between the District average and the Small Cause Court average, as is to be expected. Where, therefore, as in Ludhiána, the average for Small Cause Courts is not abnormally high, and the average for the District is only one day higher, there is reason to fear that the District average is incorrect, and should be higher than is shown in the returns.

High duration in certain Districts.

72. The average duration was exceptionally high in the following Districts:—

Hazára,	...	69 days.
Muzafargarh,	...	36 „
Kángra,	...	26 „

73. The high average in Muzafargarh is chiefly in the Court of Mr. Mohun Beer, Extra Assistant Commissioner, who, the Deputy Commissioner explains, decided some long pending cases left by Hafiz Samander Khan.

74. In Kángra the high average is due chiefly to the Raja of Nadown's Court, who, the Deputy Commissioner remarks, "had on several occasions to have his attention drawn to the long duration of cases in his Court," which was 40 days. The average was also high in the Court of Lalljee Mull, Tahsíldar of Humírpúr, and the Deputy Commissioner reports unfavorably on the judicial character of this officer.

75. The duration in the Court of the Assistant Commissioner of Kullu was also high (35 days), as communications are difficult in that tract.

76. In Húshiárpúr the high average of 25 days has already been noticed. Arrears had accumulated at one period of the year owing to insufficiency of establishment. There has been great improvement in the returns of this District. Last year, out of 1,429 cases left pending, 413 were more than two months old; this year, out of 989 pending, only seven are more then two months old.

77. The Deputy Commissioner of Amritsar remarks that the average is highest in the Courts of officers with full powers, owing to the amount of miscellaneous work that falls to their lot. He adds, "the fact is, the Courts are overworked, and the judicial establishment is not as at present constituted, equal to the demands made upon it."

78. In Syalkot the high average in particular Courts is attributed to frequent changes of officers, and in the Deputy Commissioner's Court to the inclusion of a case for dissolution of marriage brought by a Native Christian, which required to be kept pending for one year under the terms of the Act. The same case was referred to last year.

79. In Banú it was found that the duration had, in cases transferred from one Court to another, been calculated only on the time they were pending in the Court of final decision, excluding the time pending before transfer. It is possible this error has occurred in some other Districts also.

80. The average duration of contested suits was 22 days, or one day less than in 1869; and the average duration of uncontested suits was 17 days, or 2 days higher.

Duration in contested and uncontested suits.

81. In some instances the average for uncontested suits is higher than for contested suits—*e. g.*,

DISTRICTS.	DURATION.	
	Contested.	Uncontested.
Syalkot, ...	18	24
Gújránwála, ...	21	26

And in a few more Districts there is little or no difference between the two. This is not a normal state of things, and where it occurs, it seems to indicate that suits are postponed and delayed, and eventually settle themselves, whereas they

might have been disposed of on the merits at an early stage. In some cases, however, a high average in uncontested suits is owing to the defendant being in other Districts.

Decrease in average duration in certain Districts.

82. There has been a decrease in average duration in the following Districts :—

	1869.	*1870.*
Dihlí, ...	17	10
Hissár, ...	15.	11
Sirsa, ...	17	13
Jálandhar, ...	26	22
Gúrdáspúr, ...	33	23

But such a decrease in not necessarily in all cases an improvement. A fair average for Cívil Suits is from 16 to 20 days, and where the average of a District comes to much below this, the Court fears that work is hurried over for the sake of keeping up appearances, and that proper time is not given to defendants to appear and to arrange for their defence.

PENDING CASES.

83. Of the 9,600 cases pending, 343 were pending over two months, and 39 over four months. Last year there were 944 pending over two months.

84. The cases pending over 2 months and 4 months were chiefly in the following Districts :—

DISTRICTS.	Over 2 months	Over 4 months.
Amritsar, ...	66	10
Gújránwála, ...	38	...
Dehra Ghází Khán, ...	84	...

In Amritsar however there is an improvement as compared with last year, when 124 cases were pending over two months. Of the 66 cases pending, 30 were in the Court of Aga Kulbabid Khan, Extra Assistant Commissioner, who was engaged on the revision of tenancy entries on the Revenue Side.

The large pending file in Gújránwála is stated to be owing to the District having been under-handed during the year.

In Dehra Ghází Khán the large pending file was caused by the Tahsildar of Dera having had to proceed to Lahore as a witness in the Kirwan case towards the end of the year, " and his cases, on account of press of work, had principally to be taken up by the Naib Tahsíldar."

Upon the whole, considering the large increase of work, the state of the pending files is very creditable to the Courts generally.

AGENCY.

85. The agency by which the Original Civil Suits were disposed of, and the average number of suits decided by the officers of each grade, are shown in following statement :—

Number.	Officers.	*Original cases decided.*		Average number of cases decided by the officers of each class.
		Number.	Per-centage.	
32	Deputy Commissioners, ...	905	0·4	28
58	Assistant Commissioners, ...	12,169	5·9	209
22	Extra Asst Commissioners—European,	6,650	3·2	302
56	Extra Asst. Commissioners—Native, ...	33 266	16·3	594
121	Tahsíldars, ...	64,919	31·8	536
90	Naib Tahsíldars, ...	38,722	19·0	430
38	Honorary Civil Judges, ...	9,961	4·8	262
8	Judges of Small Cause Courts, ...	30,199	14·8	3,775
8	Judges of Cantonment Courts, ...	6,923	3·3	865
	Total, ..	2,03,714	99·5	

86. While the proportion of cases disposed of by Assistant Commissioners, Tahsíldars and Judges of Small Cause Courts and Cantonment Courts, has been smaller, that of Extra Assistant Commissioners and Naib Tahsíldars has largely increased.

87. The proportion of work done by paid and by European Judges, as contrasted with that disposed of by unpaid and Native Judges, respectively, is shown in the annexed table :—

	1869.		*1870.*	
	Number.	Per-centage.	Number.	Per-centage.
By paid Judges, ...	1,64,470	96·6	1,93,753	95 2
By unpaid Judges, .	5,445	3·4	9,961	4·8
By European Judges, ...	55,318	32·6	56,846	27·9
By Native Judges, ...	1,14,597	67·4	1,46,868	72·1

88. The per-centage of cases disposed of by Native Judges shows an increase of nearly 5 per cent. over the year previous, and 8 per cent. over that of 1868.

89. Deputy Commissioners decided most suits in the following Districts .—

Ludhiána,	...	156
Muzafargarh,	...	90
Hissár,	...	88
Sirsa,	...	87
Gúrgáon,	...	56
Rohtak,	...	42
Jhang,	...	37

Most of these Districts were short of European Assistants at some period of the year. In Rohtak there is only one case entered as having been decided by an Assistant Commissioner, and in Jhang not one.

90. In the Húshiárpúr District 5,756 cases were decided by Native Extra Assistant Commissioners, and in the Syalkot District 5,018. In both cases the Extra Assistant Commissioners decided more cases than the Tahsíldars of the District.

91. The proportion of cases decided by Tahsíldars was large in—

Hissár.	Kángra.	Ráwal Pindí.
Ambála.	Amritsar.	Gújrát.
Ludhiána.	Fírozpúr.	Sháhpúr.

92. Naib-Tahsíldars decided most cases in—

Gúrdáspúr.
Jhang.
Dehra Ghází Khán.
Lahore.
Fírozpúr.

93. Honorary Civil Judges decided about twice as many cases as last year, chiefly in Gúrdáspúr, Amritsar, Gújránwála, and Dehra Ismaíl Khán. In the last named District they disposed of 15 per cent. of the work, and in Gújránwála of 25 per cent. In many instances they do not record their judgments with their own hands.

DISPOSAL OF CASES.

94. The following statement shows the manner in which cases were disposed of during the year.

		Decided on the merits.										
		For Plaintiff, in whole or part.	For Defendant.	Compromised.	On confession.	*Ex parte.*	By Arbitration.	Dismissed for default.	Adjusted and withdrawn.	Plaint rejected or returned.	Transferred.	
No. of suits,	1870,	45,860	20,822	15,879	52,116	12,898	4,888	26,866	21,720	2,621	44	
Per-centage.	1870,	22·3	10·2	7·7	25·5	6·3	2·4	13·1	10·1	1·2	·02	
	1869,	22	10	10·4	25·2	5·8	3·1	13·1	9·6	...	0·5	
	1868,	22·5	10·5	10·6	24·4	5·3	4·0	13·6	8·7	...	...	
	1867,	24·3	11·9	9·5	22·3	4·5	4·9	13·0	8·5	...	...	
	1866,	25·2	13·1	8·3	22·7	2·7	6·7	9·7	10·3	...	...	

95. The proportion of cases decided on their merits was ·5 per cent. higher. Dismissals on default, and *ex parte* decisions, were precisely the same as in the preceding year. Arbitration shows a decrease of ·7 per cent.

EX PARTE DECISIONS.

96. With regard to the causes leading to *ex parte* decisions, the Deputy Commissioner of Dihlí remarks, that from an examination of files, he found that in almost all such cases the defendant was a resident of another District. In some cases the summons had been served on the defendant personally, but in the majority it had been fixed to the door of his house under Section 55, Act VIII of 1859. The Deputy Commissioner writes as follows :—

"In all these cases it would have been more satisfactory if the service of the summons had been made by means of a registered letter; and I think it is a serious defect in Act VIII that a substituted summons can only be made under Section 57, when the plaintiff satisfies the Court (and obviously it is not his policy to do so if the attachment of the summons to the door of defendant's house is accepted as service on the defendant) that the defendant is keeping out of the way for the *purpose* of *avoiding the service* of the summons.

"In the cases alluded to, the defendants may have been away from their homes for months before summons were affixed to their houses, or may not have returned to them until months afterwards. Possibly the legislature, by the use of the term "*is* dwelling" in Section 55 of the Act, may have intended to exclude cases in which

defendants have for a time absented themselves from their homes; but when a summons is served through native subordinates of a Court of another District, or another Province, the fact that a defendant's wife and children are known to live in a certain house is accepted as proof that the house is the defendant's dwelling house, within the meaning of the Act, and they are not curious to inquire how long the head of the family has been absent from it."

97. In 12,119 cases a decree was passed *ex parte*, and in only 1,005 or 8 per cent. of these cases was an application made to set aside the decree, in 657 of which it was admitted, and in 348 rejected.

98. In particular Districts, however, the proportion of applications was much higher than elsewhere. Thus in Fírozpúr 24 per cent.
Gújránwála 17 per cent.
Gúrdáspúr 18 per cent.

In most Districts the applications were admitted pretty freely, but in Gúrdáspúr 71 out of 116; in Syalkót 58 out of 74; and in Fírozpúr 63 out of 155, were rejected.

DISMISSALS ON DEFAULT.

99. There were 23,905 cases in which the claim was dismissed owing to absence of both parties (Sec. 110). In the majority of such cases the suit has been amicably arranged out of Court.

There were 2,961 cases in which the claim was dismissed owing to absence of plaintiff (Sec. 114).

100. 2,850 cases dismissed under Section 110 were restored to the file on application. In 1,089 cases the application was refused. The refusals, as compared with admissions, were large in Húshiárpúr and Lahore; whereas in Fírozpúr, out of 748 cases dismissed on default, 625 were re-admitted.

Re-admissions.

101. In 661 cases fresh suits were brought on claims dismissed in default under Section 110, the largest number (186) being in Húshiárpúr.

Fresh suits.

102. The Deputy Commissioner of Pesháwar observes that in the Courts of Tahsíldars the per-centage of dismissals on default was high, owing to the practice of requiring plaints to be filed in a Superior Court, and then transferred to the Tahsíl. The plaintiffs

Pesháwar.

in such cases not being informed of the date of hearing, their cases were frequently dismissed in default. The Deputy Commissioner states, however, that this irregular practice has been rectified.

Gúrdáspúr.

103. The Deputy Commissioner Gúrdáspúr remarks that pressure of work, and insufficiency of the judicial staff, tended to increase the number of dismissals on default in some Courts. The average for the District however was less than the previous year.

Lahore.

104. The Commissioner of Lahore points out that the dismissals in Small Cause Courts raise the District average largely. In the Lahore Small Cause Court the increase in dismissals is attributed to the withdrawal of the refund formerly allowed by the law in cases of compromise.

Múltán.

105. The Deputy Commissioner of Múltán remarks that in a large majority of cases dismissed on default, the plaintiffs "absented themselves owing to a compromise having been effected, while in few cases plaintiffs were not informed of the day fixed for hearing." In only 17 cases was re-admissions applied for, and in only one case was a fresh suit instituted.

Jhang.

106. The Deputy Commissioner of Jhang (Mr. Wakefield) remarks—

"These cases of dismissal on default are nearly all cases in which the plaintiff deliberately absents himself. The defendant has settled or adjusted the matter out of Court. The amount is small, the plaintiff is satisfied, and finds this the easiest and least expensive way of letting the action of the Court in the matter die out."

He adds—

"The principal cause for the resort to this mode of settlement is the distance of the Courts from a considerable portion of the jurisdiction, and especially the trifling amount involved."

He found that out of 645 cases dismissed, the values were as follow:—

Below Rs. 5	137	Cases.
From „ 5 to 10	186	„
„ „ 10 to 20	140	„
„ „ 20 to 50	110	„
Over „ 50	74	„

107. In Muzafargarh the statistics show that while the per-centage of *ex parte* decisions has increased from year to year, that of dismissals on default has disminished for the last three years. In two Courts cases were dismissed while the officer was moving about in camp.

Muzafargarh.

108. The Deputy Commissioner of Ráwal Pindí remarks—

Ráwal Pindí.

"Now the tendency rather is not to dismiss on default or decree *ex parte*, where the Courts are bound by law to do so. Especially the native Courts frequently keep the plaintiff or defendant in attendance after the fixed day in hope of the other party appearing, instead of proceeding to take proof of service of summons and hear the case *ex parte*, or dismissing it on default. There is fear of much greater injury from such looseness, than from strictly conforming to the law."

109. The Deputy Commissioner of Hissár explains the large number of dismissals in the same way as most other officers. Some times there is no indication in the files that the parties have been informed of the day of hearing or postponement. He adds, "unquestionably, however, a large proportion of such cases are voluntary abandonments, owing to a compromise having been effected with a higher rate of interest than would be conceded by the Courts, plaintiffs having no object to come back to Court after such adjustment, as no refunds on razínamahs are now allowed."

Hissár.

110. The Deputy Commissioner of Ludhiána thinks the provision of the law for striking off cases on default is somewhat unduly taken advantage of, and that "a short adjournment would have had the effect of causing the parties to appear."

Ludhiána.

111. In Simla the large number of dismissals on default is attributed partly to "the migratory nature of the community."

Simla.

112. The subject of dismissal on default has been thoroughly ventilated, especially during the last two years. The general result of the enquiry is that orders for dismissal are not usually passed on insufficient grounds, though in some cases the procedure is irregular; sometimes the officer is in camp, and makes no sufficient arrangements for informing suitors of the place and date fixed for hearing. This has been provided for by a recent Circular of the Court, enjoining on officers in camp to fix the place as well as the date, and to adhere to it. Sometimes during excep-

Result of above

tional pressure of work cases cannot be taken upon the date originally fixed, and are not postponed on any regular system, and the parties are uncertain as to when the case may come on; but in the majority of cases the claims have been adjusted out of Court, and the plaintiff has no inducement to return to Court to report the fact, because a refund of stamp is no longer allowed on razínamahs.

The Code is so clear as to the circumstances under which a suit may be dismissed on default, that no instructions appear to be necessary, beyond enjoining strict attention to the language of Sections 110 and 114. The chief requisite is, that a date should invariably be fixed, and that postponements should only be resorted to under absolute necessity, so that the *onus* of an order of dismissal shall rest entirely on the parties to the suit, and not be attributable to the irregular procedure of the Court; while, at the same time, applications for readmission should be liberally dealt with.

ARBITRATION.

113. The number of suits referred to arbitration, as shown in column 23 of the General Statement of Civil Suits, is 4,888, being 429 less than in 1869. The heading of the column should rather have been "disposed of by arbitration," because the figures do not include 92 cases pending at the end of the year.

Of the 4,983 cases in which arbitrators were appointed, the judgment was in 4,873 cases in accordance with their award. In 18 cases the award was set aside; of these 11 occurred in Amritsar.

Decrease in arbitration.

114. The per-centage of cases disposed of by arbitration, to total disposed of, was 2·4, against 3·1 the previous year. The proportion has been steadily declining from year to year.

Districts in which arbitration is frequent.

115. The Districts in which arbitration was most freely resorted to, in proportion to the total number of suits disposed of, were as follows:—

Banú,	5·1	per cent.
Gújrát,	5	„
Fírozpúr,	4	„
Ambála,	3·7	per cent.
Muzafargarh,	3·5	„
Dehra Ghází Khán,	3·4	„
Múltán,	3·4	„

Karnál,	3·4	„
Kohát,	3·2	„

It will be seen that none of the larger and more important Districts are in this list, except Ambála. In Districts where there are Small Cause Courts, which includes seven of the most important Districts, the per-centage of arbitrated cases is very low, being below 2 per cent.

Some of the remarks of local officers on the subject of arbitration will now be noticed.

Opinions regarding arbitration.

Dihlí.

116. The Commissioner of Dihlí remarks that the system "is dying out because arbitrators are dishonest. The proportion of awards set aside being small, proves nothing, because the law does not allow of awards being set aside, except upon almost impossible conditions."

117. The Deputy Commissioner of Dihlí finds that out of the 39 cases referred to arbitrators by the District Courts, 30 were referred by one officer, Rae Bunsee Lal, Extra Assistant Commissioner, being 8 per cent. of the total cases decided by him. He adds, "I cannot believe that the parties in these cases acted without prompting."

Ambála.

118. The Commissioner of Ambála is of opinion that a return to the "punchayet system, with due check on abuse, is to be desired."

Simla.

119. In Simla there was a trifling increase. The Deputy Commissioner remarks—

"There is no doubt that the authority formerly held by the Court to enforce arbitration was frequently abused, and viewed as a privilege to save time and trouble to the judge, the result of which is that it is now virtually barred in many cases when it really might tend to promote the ends of justice."

Jálandhar.

120. The Deputy Commissioner of Jálandhar believes there will eventually be a reaction, "and arbitration of friends will again be resorted to with something of trust and confidence. The appointment of a commission is now taking the place of arbitration. The appointments are made much too readily, often only to save trouble to the presiding officers."

Lahore.

121. The Deputy Commissioner of Lahore is opposed to arbitration, save in very exceptional cases, and where the munsiffs are men personally known to the Court. In his opinion the system "offers a premium to bribery beyond our control."

122. The Deputy Commissioner of Ráwal Pindí is of opinion that cases are referred to arbitration to avoid the drudgery of investigation, and that the hesitation of parties to refer cases to arbitration is due to the knowledge that the award is final, and that it is impossible to prove corruption.

Rawal Pindí.

123. The Deputy Commissioner of Sháhpúr (Captain Corbyn), on the other hand, regrets the alteration of the system, which he says was "a very valuable agency for ascertaining the truth."

Sháhpúr.

124. The Commissioner of Múltán (Mr. A. Brandreth) is "glad to see that all officers report a considerable decrease in cases referred to arbitration." He does not approve of the award of arbitrators being final. The system he advocates is "a Court of arbitrators for each town or circle of villages, with a rule that all petty cases should first be referred to them, or to other arbitrators named by the parties, but that their decision might be set aside if the Court thought there had been serious injustice. This was the rule here under the Sikh Government, and it is always talked of by the people as one that they would gladly revert to."

Múltan.

125. The Deputy Commissioner of Muzafagarh says—

Muzafargarh.

"I feel certain that arbitration is unpopular, and our Courts ought to discourage it as much as possible. I am, however, sorry to say that I have some suspicion that it is strongly recommended by the Courts to the parties."

126. The Deputy Commissioner of Jhang, (Mr. Wakefield) thinks the Court should have some power, as formerly, to appoint arbitrators, but he admits that "the power to appoint a commission does to some extent offer a substitute for the old method."

Jhang.

127. The Commissioner of the Dehraját remarks—

Dehrajat.

"There is no doubt that the action of the law in regard to arbitration is not generally understood, parties still appeal, but can prefer no allegation of misconduct. Formerly arbitrators were considered good as auxiliaries, but in frontier districts, especially Bannú, where party spirit is so strong, it is hopeless to expect impartial awards."

128. The Deputy Commissioner of Pesháwar remarks—

Pesháwar.

"The people dislike resorting to arbitration, but some of the Courts appear to be in the habit of prompting suitors for appointment of arbitrators."

Result of above.

129. The general opinion is that arbitration is less resorted to than formerly, because the award is final, except where corruption can be proved, which is difficult, if not impossible; that the decrease would be still greater if the finality of the award were universally known; that the power to appoint a commission is to some extent a substitute for the former power of appointing arbitrators, but even this power is occasionally abused.

130. In a few instances an opinion is expressed in favor of a return to the former system, but in the opinion of the majority the awards of arbitrators are not always reliable, and may well be dispensed with. Where both parties really agree to arbitration there seems no hardship in making them abide by the award—at all events in petty cases.

131. There is no doubt that where there is no restriction on the power to refer cases to arbitration, the Courts are apt to lean too much on this agency in troublesome cases.

132. That the people should be gradually abandoning arbitration in favor of decisions by the Courts even in Small Cause Courts—where there is no appeal—shows a growing confidence in the Courts, which is satisfactory to contemplate.

133. The difficulty in making the appointment of a commission a complete substitute for arbitration is, that the Court may be at a loss to know whom to appoint, so that in many cases commissions are issued to Tahsíldars and Naib-Tahsíldars, and other officials. It is rarely that the Court can suitably appoint a private person. The Code allows of the appointment of another person only where there is no officer of the Court appointed to execute such commission (Section 180). It can scarcely be said that any officer in the Courts of this province is appointed for this duty, so that it is open to the Court in all cases to appoint "any suitable person"; but as considerable powers are vested in Commissioners as to the examination of witnesses, production of documents, &c., the person appointed would not usually be of the style of the "Munsiffs" that the parties under the old system would have selected for themselves, so that the appointment of commissions can never completely take the place of the former arbitration system. The law has placed such restrictions on the use of arbitration, that further caution need not be enjoined; but experience has shown that officers require to be cautioned against too indiscriminate a resort to the power to appoint a commission. It not unfrequently

happens that a commission is appointed, not for enquiries of a local or special character, which could not be satisfactorily conducted by the Court itself, but with the object of getting rid of a troublesome case by making over the entire matter in dispute to some subordinate officer, usually a Tahsíldar or Naib-Tahsíldar.

VALUE AND COSTS OF SUITS.

134. The total value of orginal suits disposed of was Rs. 10,708,541, as against Rs. 99,84,826, or an increase of 7 per cent. over the previous year.

135. The aggregate cost of suits was Rs. 11,35,992, against Rs. 11,93,150, or a decrease of 4 per cent.

136. The average value of suits for the Province was Rs. 52-12-8, to Rs. 59 in the previous year. The average value of suits was highest in the Districts of Gúrgáon (Rs. 85); Dilhí (Rs. 83); Sirsa (Rs. 76); Ráwal Pindí and Pesháwar (Rs. 75 each). And lowest in Ḍera Ghúzí Khán and Gújránwála (Rs. 32 each); Muzaffargarh (Rs. 34); and Jhang and Hazára (Rs. 36 each).

137. The average cost of each suit was Rs. 5-9-8, or Rs. 1-6-2 below that of 1869.

138. The per-centage of costs to value was Rs. 10-9-8, to Rs. 11-15-2 in the preceding year.

139. The average cost of suits relating to proprietary right in, or occupancy of, land assessed or subject to settlement, was slightly higher than in ordinary Civil suits.

140. The per-centage of costs to value in suits relating to land, as compared with other suits, was most marked in suits not exceeding Rs. 5 and Rs 20 in value, being nearly double in the former class, and three times as much in the latter.

141. Other suits not exceeding one lac in value were most numerous in the Dilhí and Ráwal Pindí Districts. The two suits relating to land of Rs. 10,000 in value were litigated in the Banú and Ludhiána Districts. The Civil suit for Rs. 1,50,000 was tried in the Lahore District.

142. The annexed statement shows the aggregate and average value and costs of suits disposed of in 1870. It must be remembered that these are merely the costs of which the Courts have official cognizance, and which are entered on the record, and do not by any means represent the entire expenditure incurred by suitors on litigation.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	SUITS RELATING TO PROPRIETARY RIGHT IN, OR OCCUPANCY OF, LAND ASSESSED OR SUBJECT TO SETTLEMENT										OTHER SUITS.									
CLASSIFICATION OF SUITS ACCORDING TO VALUE.	Number of suits.	Aggregate value of suits.	AGGREGATE COST OF SUITS					Average value of suits.	Average costs of suits.	Per-centage of costs to value.	Number of suits.	Aggregate value of suits.	AGGREGATE COST OF SUITS.					Average value of suits.	Average costs of suits.	Per-centage of costs to value.
			Court Fees stamps, other than Process fees.	Process Fees stamps	Pleaders' or Mukhtars' fees	Miscellaneous costs.	TOTAL.						Court Fees stamps, other than process fees.	Process Fees stamps.	Pleaders' or Mukhtars fees	Miscellaneous costs	TOTAL.			
Rupees 5	4,650	14,732	2 608	1,723	1	2,471	6 811	3 2 8	1 7 4	46 2 7	20,680	74,751	9,688	3,658	2	2,802	16,300	3 9 10	12 7	21 12 10
,, 20	9 919	1 18,195	11,417	6,468	23	6,542	24 450	11 14 6	2 7 5	20 10 11	72,576	8,73,066	15,392	23,522	76	16,683	55,673	12 5	12 3	6 6 ..
,, 100	8,877	4,27,420	34 944	18,381	365	10,095	63,785	48 2 4	7 2 11	14 14 9	68,347	30 73,099	2,59,865	88,946	1 227	36,623	3,86 661	44 15 4	5 10 6	12 9 3
,, 500	2,405	4 50,493	36,575	12,146	978	6 466	56,165	187 5	23 5 7	12 7 6	13,642	27,13,335	2 22,454	49,578	5,678	19,714	2,97,424	198 14 3	21 12 10	10 15 4
,, 1 000	186	1,38,021	10,963	2 162	677	1,140	14 042	742 9	75 7 10	10 2 9	872	6,27,747	48 698	8.912	4,150	2 680	64 440	719 14 3	73 14 3	10 4 2
,, 5,000	109	1.68,718	12 851	1,728	2,510	1 016	18,108	1,547 13 11	166 2	10.11 8	493	10 08 944	61 708	8,374	13,100	2 543	85,731	2 025 15 10	172 2 4	8 7 11
,, 10 000	2	10 925	647	40	...	50	717	5 462 8	358 8	6 9 ..	45	3,07,935	14,015	973	3,913	498	19,399	6 843	431 1 5	6 4 9
,, 1 00 000					...	...	...				23	5,51,160	18,387	679	3 294	190	22,550	23,963 7 7	980 6 11	4 1 5
Above 1 00,000					...	...	...		.. ..		1	1,50,000	2,100	112	1,350	174	3,736	1,50,000 ..	3,736	2 7 10
TOTAL, ..	26 149	13 28 504	1,09,108	12,653	4,554	27 763	1 84,078	50 13 2	7 9	13 13 9	1,76,684	93,80,037	6,52,457	1,84,754	32 790	81,913	9,51,914	53 1 5	5 6 2	10 2 4

SMALL CAUSE COURTS (DISTRICT AND CANTONMENT.)

143. The statistics in the foregoing pages include in most cases those of Small Cause Courts, as no general view can be taken of the original litigation of the province without including this class; at the same time those suits are of such a special character that it is necessary to consider the subject under a separate head as well.

Institutions. Great increase.

144. In the eight District Small Cause Courts there were 30,628 cases instituted, against 26,115 in the previous year; the increase being 17 per cent. The increase occurs in all the Courts, but is greatest in Dihlí, 33 per cent., Amritsar 24 per cent., and Lahore 24 per cent.

Dihlí.

145. The increase in Dihlí is attributed to the reduction of duty caused by the Court Fees Act. An increase of 600 cases occurred in the class ranging from Rs. 1 to 5 in value.

Amritsar.

146. In Amritsar the increase is chiefly in suits on unregistered bonds, on unwritten promise for sum certain, and on account stated; nearly one-half of the increase occurs among suits of the value of Rs. 5 and under. The Judge seems to think that this increase is caused by the reduction of stamp duty.

Lahore.

147. In Lahore the increase is attributed partly to the effect of the Court Fees Act, and partly to the fact that in the latter half of 1869 there was a falling off of suits owing to the prevailing sickness: a reaction set in during the first quarter of the year 1870. The increase was chiefly under the following heads:—Written promise, both registered and unregistered, principally the latter, and goods sold.

Simla.

148. In Simla the increase was also chiefly in suits of small value. The Judge regrets the decrease of stamp duty on such suits, as they take in proportion much more time and trouble to dispose of than more important cases. He remarks that suits are not infrequently brought by natives for such small sums as 8, 12, and 14 annas, and in one instance an European tradesman brought a suit for Rs. 1-6.

Ludhiána.

149. In Ludhiána the increase is also attributed to the reduction of stamp duty.

150. In Jálandhar there was an increase of institutions, but the total was below that of 1868 and previous years. Taking the two years together there is a decrease of litigation, which the Judge accounts for by the following causes :—

(*a.*) "A ruling of the Chief Court of 9th February 1869 which prohibited the cognizance by Small Cause Courts of suits for the rent, revenue, or produce of land.

(*b.*) "The enquiries made by the Deputy Commissioner with a view to assessing more income tax, induced creditors to postpone applications to the Civil Courts in the expectation of concealing their actual incomes.

(*c.*) "Drought and consequent scarcity.—In many instances fresh bonds have been taken for old debts by additional small advances of money, and in some the hopelessness of recovering anything has induced the creditors to abstain from suing."

It is strange that while there has been a steady increase of litigation everywhere else, there has been none in Jálandhar, one of the richest Districts in the province. The reasons assigned by the Judge do not appear sufficient to account for this anomaly.

Húshiárpúr.

151. In Húshiárpúr the increase was chiefly in suits on unregistered bonds, which the Judge considers will increase, as those on book accounts decrease.

Pesháwar.

152. In Pesháwar there had been a large decrease in 1869 owing to the prevalence of cholera. The increase in 1870 was very far short of that decrease, which is partly accounted for by the fact that the Court was closed in June and part of July owing to the illness of the Judge, and also by the frequent changes of officers.

CASES FOR DISPOSAL.

153. The number of cases for disposal, and disposed of, are shown in the annexed table :—

COURT.	For disposal.			Number of cases disposed of during the year.	Number pending at end of year.	Date of oldest case pending.	Average duration.
	Pending at end of 1869.	Instituted.	Total.				
Dihlí, ...	56	4,966	5,022	4,839	183	4th November.	4
Simla, ...	2	1,566	1,568	1,566	2	9th December.	11
Ludhiána, ...	12	3,740	3,752	3,655	97	6th December.	13
Jálandhar, ...	64	2,598	2,662	2,603	59	18th November.	12
Húshiárpúr, ...	68	4,033	4,101	3,970	131	29th November.	14
Amritsar, ...	114	5,962	6,076	5,980	96	13th December.	12
Lahore, ...	73	5,889	5,962	5,700	262	6th December.	8
Pesháwar, ...	17	1,874	1,891	1,886	5	28th November.	7
Total, ...	406	30,628	31,034	30,199	835	... ...	10

PENDING CASES.

154. The pending file at the beginning of the year was small in all the Courts; the largest number being 114 cases in Amritsar. At the end of 1868 there were as may as 2,250 cases pending, chiefly in Jálandhar and Lahore. The pending file has increased during 1870, chiefly in Dihlí and Lahore; but considering the immense increase of institutions, the work was kept well in hand.

DURATION.

155. The average duration of cases was 10 days. In Jálandhar the duration was less than the previous year. In the other Courts there was an increase of average duration, which is not due to any particular cause as far as can be gathered from the reports. In some Districts it is owing to the extensive territorial jurisdiction of the Court. The Judge of the Ludhiána Small Cause Court remarks on the subject of duration, that one of the causes of a high average is the difficulty of getting parties to bring their witnesses with them, or to apply for summonses in time for the first hearing. In practice, therefore, a case is seldom finally disposed of at the first hearing, even though the summons is issued for "final disposal," as required by the Act. During the current year however the practice in Ludhiána has been improved, and cases are usually dis-

posed of at the first hearing. Attention has recently been directed to the subject, and a much larger proportion of cases in all Civil Courts are now disposed of at the first hearing.

156. There were no cases pending over two months in any Small Cause Court.

CLASSIFICATION.

157. The classification of suits disposed of in Small Cause Courts is shown in the following table :—

Description of Suits.		Dihlí.	Simla.	Ludhiána.	Jálandhar.	Húshiárpúr.	Amritsar.	Lahore.	Pesháwar.
I.—For Money due.									
1.—On written obligation for sum certain.									
a.—Registered, ...	1869,	74	20	120	147	342	246	105	71
	1870,	109	26	98	118	341	296	222	94
b—Unregistered, ...	1869,	1,334	193	1,556	1,975	2,255	1,467	2,250	511
	1870,	1,549	230	1,570	1,656	2,479	1,874	2,474	711
2.—On unwritten promise for sum certain, ..	1869,	326	110	533	376	637	1,523	348	183
	1870,	654	117	561	292	595	1,894	476	221
3.—On account stated, ...	1869,	812	464	649	98	140	993	260	82
	1870,	1,013	417	462	80	110	1,290	108	125
4.—For money paid or received, ...	1869,	306	26	2	274	7	16	190	61
	1870,	438	36	1	237	1	4	114	57
5.—For goods sold and delivered, ...	1869,	133	317	708	11	31	392	1,488	348
	1870,	531	384	779	70	20	399	1,552	309
6.—For breaches of contract not included in above, ...	1869.	194	158	1	...	100	7	447	261
	1870,	206	211	...	...	23	5	485	200
II.—Suits for Rent other than of Land, ...	1869,	149	68	46	31	27	113	93	48
	1870,	227	60	45	34	51	107	79	51
III.—Recovery of Personal Property or value thereof, ...	1869,	89	15	99	148	238	143	148	104
	1870,	81	39	116	102	278	101	186	100
IV.—Suits for Damages.									
1.—For injuries to the person, ...	1869,	...	4	7	...	...	...	1	1
	1870,	...	...	6	...	...	...	1	...
2.—For injuries to property,	1869,	15	6	28	29	59	16	21	5
	1870,	31	6	17	14	23	2	3	3
3.—For other injuries not included in above,	1869,	..	4	...	...	168	12	2	19
	1870,	...	10	...		49	8	...	15
Total, ...	1869,	3,732	1,409	3,749	3,089	4,004	4,928	5,353	1,694
	1870,	4,839	1,566	3,655	2,603	3,970	5,980	5,700	1,886

158. The commonest form of suit is that on an unregistered bond. This class has increased in every Court except Jálandhar. Suits on registered bonds show an increase of 15 per cent., but in Jálandhar and Ludhiána there was a decrease. Parole debts show a large increase in Dihlí and Amritsar.

Unregistered bonds.

159. The heading "for money paid or received" is open to misinterpretation, as there was only one such suit in Ludhiána, and one in Húshiárpúr, while there were 438 in Dihlí.

Money paid or received.

160. Suits for "goods sold and delivered" are most numerous in Lahore, being about four times as many as in Amritsar; whereas with suits on "account stated" it is just the other way. If the classification is correct, it would seem to show that the suits for goods sold and delivered are petty shop debts between traders and customers, while the suits on account stated are suits arising out of larger mercantile transactions between traders or merchants, which would naturally be numerous in large marts like Amritsar and Dihlí.

Goods sold and delivered, and account stated.

161. Suits for damages are not numerous in Small Cause Courts, and have still further decreased this year.

Damages.

162. The Judge Small Cause Court, Dihlí remarks that mistakes in classification often arise "from the plaint itself not being a correct statement of the case:" doubtful entries are corrected during investigation of the case. In Jálandhar the class of suit is entered by the Clerk of the Court in the English abstract. The list of headings is so simple in Small Cause Courts that there should be no difficulty in classification.

Mode of classification.

163. The annexed table shows how cases were disposed of in District and Cantonment Small Cause Courts.

Cases how disposed of.

	Decided on merit.		Compromised.	On confession.	Ex parte.	By arbitration.	Dismissed for default.	Adjusted and withdrawn	Plaint rejected and returned.
	For Plaintiff, in whole or part	For Defendant.							
DISTRICT SMALL CAUSE COURTS.									
Number of Suits, ...	6,763	2,812	2,822	8,312	2,206	210	3,233	3,465	376
Per-centage, ...	22	9	9	27	7	0 6	10	11	1
CANTONMENT SMALL CAUSE COURTS.									
Number of Suits, ...	1,133	593	266	2,628	924	279	629	438	33
Per-centage, ...	16	8	3	38	13	4	9	6	0 4

164. As compared with last year there has been a decrease in cases decided on confession and by arbitration, and an increase in dismissals on default. In other respects the proportions show no material change.

165. In ordinary Civil Courts the proportion of cases decided on their merits is much higher than in Small Cause Courts, and the proportion decided on confession and *ex parte*, &c., lower.

EX PARTE DECISIONS.

Dihlí.

166. In Dihlí an increase of *ex parte* decisions is shown, but the Judge explains that in all such cases he obtained satisfactory proof of the service of the summons, or explanation of its non-service.

Ludhiána.

167. The Judge of Ludhiána remarks that in the majority of *ex parte* cases "defendants keep away simply because they have no objection to urge to the claim. In some rare instances their absence is caused by the trickery of the plaintiff."

Jálandhar.

168. In Jálandhar the per-centage of *ex parte* decisions was 4·9. The Judge remarks that though such cases are returned as "uncontested," they frequently occupy more time than contested cases, because not only has the plaintiff to prove his claim, but evidence has to be taken of the service of summons."

Simla.

169. In Simla only one out of 223 decisions *ex parte* was objected to by an application for retrial.

Lahore.

170. The Judge of Lahore remarks that summary decrees on obligations specially registered are included in *ex parte* decisions, and this has tended to swell the number. Many of the cases also are those in which Europeans were concerned. The Judge remarks that "unless a European has a fair defence (in his own opinion) he generally avoids the Court."

General result.

171. The general result is, that out of 2,065 cases decided *ex parte* in all the Courts, applications to set aside the decree were made in 124 cases only, of which 97 were admitted.

DISMISSALS ON DEFAULT.

172. In 3,233 cases the suit was dismissed on default. Of these, 3,071 were under Section 110 (where both parties were absent), and 162 under Section 114, where the plaintiff only was absent.

In 336 of the cases dismissed under Section 110, applications for re-admission were granted, and in 91 cases they were refused. Fresh suits were brought in 50 cases (under Section 110.)

173. In most of the Courts it is now the practice to set aside the cases in which the parties are absent till the close of the day, and then to call out the names a second time, so that no hardship is caused to parties who are only a little late.

Results in Húshiárpúr.

174. The Judge of Húshiárpúr made special enquiry on the subject, and found that of 249 cases dismissed on default (in the first three quarters of the year

In 70 cases new bonds had been taken ;
In 59 cash was paid out of Court ;
25 were compromised in various ways ;
In 5 there was no trace of defendants ;
52 cases were re-admitted ;
In 38 cases the result was not ascertainable.

General result

175. Upon the whole the high per-centage of dismissals on default in Small Cause Courts is due to somewhat the same causes as in ordinary Civil Courts, the principal one being that the cases are settled out of Court, and as there is no refund of stamp allowed on compromises, the plaintiff has no inducement to return to Court.

RE-TRIALS.

176 The annexed statement shows the number of applications for retrial, the manner in which they were dealt with, and also the number of cases referred to the Chief Court for rulings on points of law under Sections 22 and 23 of Act XI of 1865, and Section 1 of Act X of 1867, also the number of trials held before two Judges :—

COURTS.	APPLICATIONS.						MANNER IN WHICH DISPOSED OF.								No. OF CASES REFERRED TO CHIEF COURT UNDER SECTIONS 22 AND 23, ACT XI OF 1865, AND ACT X OF 1867.				RESULT OF NEW TRIALS HEARD BEFORE TWO JUDGES UNDER RULES PUBLISHED IN PUNJAB GAZETTE OF 1st JULY 1869.			
	Pending trial at close of last year.		Presented during the year.		Total for disposal.		Applications struck off or rejected without being entered on Register No. 1 for trial.		*Application admitted for trial.*													
									Cases in which former judgment was maintained.		Cases in which former judgment was reversed or modified.		Cases pending trial at the close of the year 1870.									
	By Defendant.	By Plaintiff.	By Defendant.	By Plaintiff.	By Defendant.	By Plaintiff.	By Defendant.	By Plaintiff.	By Defendant.	By Plaintiff.	By Defendant.	By Plaintiff.	By Defendant.	By Plaintiff.	Cases referred by Court of its own motion.	Cases referred at the instance of Plaintiff.	Do. do. Defendant.	Total.	Number of new trials.	Former order maintained.	Former judgment reversed.	Former judgment modified.
Dihlí, ...	1	1	61	90	62	91	19	13	36	59	4	8	3	11	2	...	...	2	...	...	...	...
Ludhiána, ...	1	...	33	89	34	89	11	25	9	35	14	28	...	1	5	...	...	5	9	6	1	2
Simla, ...	...	...	7	14	7	14	3	9	2	2	2	3	...	...	...	...	1	1	...	...	...	...
Jálandhar, ...	2	4	31	66	33	70	18	32	9	26	5	10	1	2	3	...	...	3	35	30	3	2
Húshiárpúr, ...	3	8	86	276	89	284	53	140	24	68	7	69	5	7	6	...	...	6	50	47	1	2
Amritsar, ...	...	...	429	161	429	161	389	139	13	15	27	7	...	...	2	...	...	2	17	14	3	...
Lahore, ...	...	1	53	120	53	121	35	96	11	17	6	6	1	2	3	...	...	3	10	9	...	1
Pesháwar, ...	2	3	46	73	48	76	32	46	14	16	2	11	...	3	2	...	...	2	23	14	5	4
TOTAL, 1870,	9	17	746	889	755	906	560	500	118	238	67	142	10	26	23	...	1	24	144	120	13	11
TOTAL, 1869,	16	6	489	1,319	505	1,325	333	968	112	187	51	160	9	10	33	7	13	53	115	96	10	9

177. In the aggregate there has been a falling off of 9 per cent. in the number of applications for re-trial during the year, but on comparing the number of applications presented by defendants and plaintiffs with that of last year, the former shows an increase of 52 per cent. and the latter a decrease of 32 per cent. Including those pending from the previous year, there were in all 1,661 applications for disposal, of which 1,625 were disposed of, 1,060, or 65 per cent., were summarily rejected. In 356, or 22 per cent., the former order was maintained, and in 209, or 12 per cent., it was reversed or modified. The highest per-centage of orders reversed or modified was in the Ludhiána Court.

178. In about 5 per cent. of the cases disposed of applications were made for re-trial. In Húshiárpúr and Amritsar the proportion was 9 per cent. 24 cases were referred to the Chief Court for rulings on points of law, as compared with 53 in the previous year. The Courts (Ludhiána and Húshiárpúr) which made no references in the year 1868, as remarked in para. 70, made the largest number of references during the year under report. 144 new trials were held before two Judges under the rules published in the *Punjab Gazette* of the 1st July 1869, as compared with 115 in the previous year; in 120 cases the former order was maintained, in 13 reversed, and in 11 modified.

179. Regarding re-trials the Judge of Amritsar remarks—

"I cannot say that the rules are appreciated by suitors, as I do not recollect a single instance in which a request was made that if the applications were accepted, the trial should take place before two Judges.

"In all matters of doubt on points of fact, and in drawing proper and reasonable inferences from facts conflicting in themselves, there can be no question that the assistance of another Judge is desirable."

180. The Judge of Lahore remarks on the subject of re-trials and sitting in banco as follows:—

"Ten cases in which new trials were granted were heard before two Judges under the rules issued for that purpose. Difficult cases are rare in Small Cause Courts, but where they do arise, I think no better mode for disposing of them could be devised. Besides new trial cases, several others were *reserved* under the rules for first hearing in banco.

"Both questions of law and fact are reserved for these settings, but principally the latter. But whichever it may be, the case has to be tried *de novo*, which is inconvenient when the decision on the fact is not made the ground for the application for a new trial. It would be more satisfactory if in addition to the new trial under Section

21, Act XI of 1865, Small Cause Court Judges could merely review their judgments. Often the party objecting to a decision simply wishes the Judge to review the conclusions he has drawn from the evidence already on the record, or to reconsider a point of law. But in all such cases if the application is granted a *re-trial* must take place, as it has been ruled that the provisions of Act VIII of 1859 with regard to reviewing judgments are not applicable to Courts of Small Causes.

"The practice of allowing two Judges to sit together in banco tends to reduce the number of references to the Chief Court. It is however a source of confidence both to the Judge and suitors to know that a second opinion can be taken on a case if necessary. Nor must it be forgotten, that besides these advantages, there are collateral results of importance achieved by the system. Judges of different Courts, when they meet, not only dispose of cases fixed for hearing before them, but also discuss points of office management, routine, &c., which tend to prevent errors, and assimilate procedure."

VALUE AND COSTS OF SUITS.

181. The annexed statements exhibit the value and costs of suits disposed of in Small Cause Courts during the past year.

The largest number of suits were for amounts between Rs. 5 and 20; suits for sums between Rs. 50 and 100, and 100 to 500, showed an increase over the previous year.

The aggregate value of suits was Rs. 10,42,730, or 2 per cent. more than in the previous year; while the aggregate cost was 3 per cent. less. The average value of suits was Rs. 34-9-9 to 36-4-6; the average cost Rs. 4-3-1 to 5-3-3; and the per-centage of costs to value Rs. 12-1-9 to 13-14-3.

The average value of suits ranged from Rs. 42 in the Peshawar and Jálandhar Courts, to Rs. 28 in Simla.

The per-centage of costs to value was highest in the Jálandhar Court, and lowest in that of Dihlí.

Classification according to value.	Number of cases.	Aggregate value of Suits.	Aggregate cost of Suits.	Average. Value of Suits.	Average. Cost of Suits.	Per-centage of costs to value.
Rupees 1 to 5 ...	4,013	14,290 4 1	3,140 5 ...	3 9 ...	... 12 6	21 11 2
„ 5 to 20 ...	12,849	1,53,023 9 11	21,785 13 6	11 14 6	1 11 2	14 4 2
„ 20 to 50 ...	7,968	2,54,839 1 4	32,639 1 3	31 15 9	4 1 6	12 12 9
„ 50 to 100 ...	3,304	2,32,464 1 10	28,170 3 ...	70 5 8	8 7 11	12 1 2
„ 100 to 500 ...	1,991	3,88,113 10 1	40,548 ... 3	194 14 11	20 5 10	10 7 2
TOTAL, ... 1870	30,125	10,42,730 11 3	1,26,283 7 ...	34 9 9	4 3 1	12 1 9
TOTAL, ... 1869	27,958	10,14,420 9 2	1,15,593 6 1	36 4 6	5 3 3	13 14 3

COURTS.	Number of Suits.	Aggregate						Average						Per-centage of Costs to Value.		
		Value of Suits.			Cost of Suits.			Value of Suits.			Cost of Suits.					
Dihlí, ...	4,839	1,62,900	8	...	18,145	9	..	33	10	7	3	11	11	11	2	2
Ludhiána, ...	3,655	1,29,540	...	...	16,532	15	...	35	7	1	4	8	4	12	13	5
Simla, ...	1,566	43,559	10	2	5,276	5	...	28	..	1	3	5	10	12	1	9
Jálandhar, ...	2,581	1,09,297	8	...	14,683	12	...	42	5	6	5	11	...	13	6	11
Húshiárpúr, ...	3,970	1,50,929	..	1	19,606	9	...	38	...	3	4	15	10	12	15	9
Amritsar, ..	5,928	1,83,614	1	.	20,971	7	..	30	15	7	3	8	7	11	6	9
Lahore, ...	5,700	1,82,488	.	.	21,694	11	...	32	..	2	3	12	10	11	14	3
Pesháwar, ...	1,886	80,402	.	.	9,372	3	...	42	10	1	4	15	5	11	10	6
TOTAL, ... 1870	30,125	10,42,730	11	3	1,26,283	7	...	34	9	9	4	3	1	12	1	9
TOTAL, ... 1869	27,958	10,14,420	9	2	1,45,593	6	1	36	4	6	5	3	3	13	14	3

182. The largest decrease in the per-centage of costs to value, as compared with 1869, occurred in the Lahore and Dihlí Courts.

INCOME AND EXPENDITURE.

183. The annexed statement shows the income and expenditure of each Small Cause Court for the year.

COURTS.	Aggregate value of Stamps filed, Process Fees and Other Income.				Expenditure of every kind including the salary of the Judge and his establishment.				Net Profit.				Net Loss.			
Dihlí, ...	22,087	13	...		14,285	15	6		7,801	13	6		...	...	...	
Ludhiána, ...	18,357	8	...		12,410	1	9		5,947	6	3		...	...	...	
Simla, ...	5,808	6	...		13,370	9	10		...	...	...		7,562	3	10	
Jálandhar, ...	16,912	14	...		16,608	5	8		304	8	4		...	...	...	
Húshiárpúr, ...	20,052	9	...		16,705	13	3		3,346	11	9		...	...	...	
Amritsar, ...	23,872	5	..		14,583	15	1		9,288	5	11		...	...	...	
Lahore, ...	25,306	11	.		12,648	5	7		12,658	5	5		...	.	..	
Pesháwar, ...	11,903	4	.		8,649	1	6		3,254	2	6		...	...	...	
TOTAL ... 1870	144,301	6	.		109,262	4	2		42,601	5	8		7,562	3	10	
TOTAL ... 1869	148,542	13	10		110,898	3	1		43,467	5	2		5,822	10	5	

184. The income shows a falling off owing to the reduced stamp duties on plaints in the Court Fees Act, but owing to the great increase of suits the loss is not so great as it otherwise would have been. In the Peshâwar Court there is an actual increase of income, which is not accounted for by the Judge, but is evidently owing to an increase in suits of the higher values, the average value having risen from Rs. 37-14-2 to 42-10-1.

185. Every Court worked at a profit, except Simla, but in Jálandhar the profit was very small. The result in each case is of course affected by the grade of the Judge. The net result is a profit of Rs. 42,601-5-8 in seven Courts, and deducting the loss in the Simla Court, a net profit of Rs. 35,039-1-10. The largest profit was made in the Lahore Court.

GENERAL.

186. *Arbitration.*—Arbitration is not much resorted to in Small Cause Courts, and the decrease in cases referred to arbitration has been very marked this year, being from 356 to 210. In Jálandhar only 1 case was arbitrated, in Lahore only 7, and in Amritsar 4. The greater number of the arbitrations were in Dihlí, Ludhiána and Húshiárpúr. The system is said to be unpopular both with the litigants and with the persons usually appointed to arbitrate.

Arbitration in Small Cause Courts

The Judge of the Dihlí Small Cause Court speaks of "availing himself of the agency" of arbitrators, and of the necessity of "watching the choice of them and their proceedings"; but as the appointment of arbitrators rests with the parties, and not with the Judge, the remarks are scarcely in point.

Several of the Judges suggest that the award of arbitrators should be subject to the control of the Court to the same extent as the report of a Commission.

The remarks regarding arbitration in District Courts are equally applicable in the case of Small Cause Courts. The system is on the decline, and, whether reasonable or not, the objection to it among the people is chiefly that the Court has no power to interfere with the award.

187. *Special Registration.*—This subject need scarcely be noticed, as the system has been abolished. The general opinion of the Judges was against the system.

188. *Bankruptcy.*—The annexed statement shows the bankruptcy work disposed of by Small Cause Courts during the year. There were 87 bankrupts' estates under management, of which 31 were in Lahore, and 26 in Ludhiána. The liabilities amounted to over 15 lacs of Rupees, of which nearly 9 lacs were in Lahore; of the 158 new petitions for adjudication, 79 were admitted. The proportion of admissions was high in Húshiárpúr, 26 out of 41, and in Amritsar 30 out of 33.

Courts.	Number of petitions for adjudication by Debtors.	Ditto by Creditors.	Petitions for arrangement with creditors under Rule 36.	Total.	Number of adjudications of Bankruptcy.	Number of cases adjusted under Rule 21 (Clause 11) Section XIX, Part I, Punjab Civil Code.	Number of Bankrupts arrested.	Number imprisoned under Section XIX, Part I, Punjab Civil Code.	Number of estates under management.	Total value of liabilities of all estates under administration during 1870.	Amount realized by sale of Bankrupts' estates during 1870.	Total value of dividends paid during 1870.	Total charges paid from Bankrupts' estates other than dividends.	Per-centage of charge on dividend.
Dihlí, ...	7	...	...	7	2	...	...	...	2	3,351 ... 6	... ...	336 12 ...	47 12 ...	13 15 9
Ludhiána, ...	20	...	...	20	4	...	...	...	26	1,41,042 12 3	203 2 ...	17,974 12 4	2,116 10 9	13 5 11
Simla, ...	6	...	...	6	4	...	...	...	8	1,00,047 10 1	4,098 13 5	5,672 3 4	306 12 11	5 6 7
Jálandhar, ...	8	...	1	9	3	1	...	...	4	41,779 8 2	8,973	6,214 3 6	308 4 ...	5 ... ...
Húshiárpúr, ...	41	3	...	44	26	2	...	...	7	30,291 6 9	5,923 11 10	5,545 4 8	668 9 1	12 .. 11
Amritsar, ...	33	5	...	38	30	1	...	4	7	3,02,674 2 6	7,611 6 4	7,236 14 3	374 8 1	5 2 9
Lahore, ...	23	...	...	23	5	...	1	1	31	8,90,829 4 7	311 3 ...	22,335 7 4	11,094 1 ...	45 3 1
Pesháwar, ...	20	...	...	20	5	4	...	2	2	4,235 6 ...	1,367 11 9	245 5 9	36 14 ...	15 1 7
Total, ...	158	8	1	167	79	8	1	7	87	15,14,251 2 10	28,489 ... 4	65,560 15 2	14,953 7 10	22 12 8

CANTONMENT SMALL CAUSE COURTS.

189. The work of these Courts is shown in Statement No. III among the Appendices. The pending file at the beginning of the year was very small, and at the end of the year was about the same. The institutions amounted to 6,946 cases, or 10 per cent. less than last year. The falling off was greatest in Múltán, 29 per cent., and Syalkot 25 per cent.

190. The number of cases was largest in the Ráwal Pindí Court, 1,400 cases, or about the same number as last year; but of these 852 were decided on confession and otherwise without contest, and 106 were referred to arbitration, so that the number of contested cases (227) was, in proportion, smaller than in any other of these Courts. The average duration in this Court was 12 days for contested, and 9 days for uncontested, cases. The average of the eight Courts was 8 days for contested, and 6 days for uncontested cases, being two days more than in 1869.

APPEALS TO DEPUTY COMMISSIONERS.

191. The year commenced with a pending file of 325 appeals, of which 118 were pending in Banú. The year closed with a pending file of 698 cases, of which 221 were in Banú, and 119 in Firozpur, while the average duration is one day higher. These results are not very satisfactory. Although the number of appeals preferred is larger than in 1869 and 1868, it is below the number preferred in 1867 and 1866. As Deputy Commissioners do not dispose of many original Civil suits, these results show that the pressure of miscellaneous work is being more and more felt every year.

192. The largest number of institutions was in the following Districts:—

Fírozpúr	637
Húshiárpúr	538
Ambála	459
Jálandhar	391
Jehlam	379
Amritsar	374
Ráwal Pindí	345
Gúrdáspúr	338
Kángra	321

193. The sudden and extensive increase in Fírozpúr corresponds to some extent with the increase of original suits, and is also partly due to a larger number of officers not having full powers.

194. The institutions were few in the following Districts :—

Simla	3
Kohát	29
Muzafargarh	46
Montgomery	56
Hazára	57
Sirsa	61

195. As compared with the previous year, there was an increase in 19 Districts, and a decrease in 12. In the remaining District (Kohát) the number was exactly the same.

Appeals how disposed of.

196. The number of appeals for disposal was 7,486, of which 6,788, or 90 per cent., were disposed of in the following manner :—

	Transferred, ...	3	or ·04	per cent.
	Withdrawn or struck off on default,	420	„ 6·0	„
Heard ex parte.	Confirmed, ...	688	„ 10	„
	Modified, ...	28	„ ·4	„
	Reversed, ...	44	„ 0·6	„
Contested.	Confirmed, ...	3,489	„ 51	„
	Modified, ...	408	„ 6	„
	Reversed	890	„ 13	„
	Remanded, ...	818	„ 12	„

197. Of the cases withdrawn and struck off on default, 98 are shown in the Firozpúr District.

198. Of the cases confirmed *ex parte*, 277 were in Ambála, 127 in Kángra, and 72 in Gújrát. Cases were seldom modified or reversed *ex parte*.

199. There is a column to show the number of appeals rejected under the provisions of Section 7 of Act VII of 1868, but it is not clear that it has been correctly filled up in all cases. Thus, in Kángra, where 127 cases were confirmed *ex parte*, only 5 were disposed of under the above Section ; whereas in Jehlam, where only 29 cases were confirmed *ex parte*, 40 cases were disposed of under that Section.

200. The per-centage of remands was 5·4 less than the previous year. The proportion of appeals confirmed and rejected was 4 per cent higher, and of appeals modified and reversed 0·8 per cent higher.

201. The Deputy Commissioner of Ambála remarks that a great proportion of the appeals are decided " in the presence of both parties attending of their own accord." This statement is scarcely consistent with the fact that no less than 277 appeals are shown as confirmed *ex parte*. The average duration in this

District is high, which is attributed by the Deputy Commissioner to the great pressure of executive work, owing to which appeals have some times to lie over for weeks. The greater number of the appeals came in at the end of the year, and were decided in the last quarter at the rate of 56 a month, leaving a pending file of 46 cases.

202. In Kángra the number of appeals returned for re-investigation was very high, being 106 out of 326 for disposal. The Deputy Commissioner (Colonel Mercer) remarks that this is "partly owing to the imperfect manner in which Tahsíldars and Naib Tahsíldars had been in the habit of arranging evidence, and proving facts material to the issue, and partly to save witnesses long journeys in that hilly district. Most of these cases were remanded under Section 351 with issues laid down for guidance."

203. This explanation shows that the distinction between Sections 351 and 354 is not properly understood in Kángra. The statement shows that only seven cases were referred back to Lower Courts for trial of issues under Section 354. As cases can only be remanded under Section 351, when the Lower Court has erroneously disposed of the case on a preliminary point, it is evident that most of these remands must have been on very general grounds—under the system of indiscriminate return for re-investigation that used to prevail before the Civil Procedure Code was introduced.

204. In Jálandhar the proportion of remands was rather high: 40 were returned for re-investigation under Section 351, 25 for trial of issues under Section 354, and in 19 cases fresh evidence was called for. The Deputy Commissioner says he "never returns cases for re-investigation except when the Act would admit of a re-trial," meaning, apparently, that the provisions of Section 351 are complied with.

205. In Húshiárpúr, where the appeal file was very heavy, the Deputy Commissioner remarks that where further evidence is wanted he usually took it himself. The return, however, shows that there were no cases in which further evidence was called for under Section 356. It is possible that in this, and in some other Districts, entries are only made in the column for such cases when the Lower Court has been directed to take the fresh evidence, and not when it is taken by the Appellate Court itself. The object of the column however is to show all cases in which action is taken under Section 356.

206. In Húshiárpúr a large number of the appeals were in land suits under the Tenancy Act. The proportion of orders interfered with in this District was 32 per cent., which is high.

207. In Amritsar the appeals show an increase corresponding to the increase of original suits, and the pending file decreased to 22 cases at the end of the year. The date of the oldest being 10th December. In every case the files were inspected. The average duration was 55 days, which is high as compared with other Districts, but is an improvement on the previous year. The proportion of appeals reversed and modified in Amritsar is considerable, being 28 per cent. of those disposed of. From the fact that the average duration of appeals in Amritsar was 55 days, and that the oldest appeal was dated only the 10th of December, it would appear that the duration towards the end of the year must have been reduced, and that appeals must have been rather rapidly disposed of at the last so as to show a clear file in the annual returns.

208. In Syalkot the Deputy Commissioner states that the provisions of Sections 351 and 354 are acted up to. The return however shows that 58 cases, out of 185 disposed of, were returned for re-investigation under Section 351. It is not likely that all these cases had been erroneously disposed of by the Lower Courts on a preliminary point. No cases were returned for trial of issues, or for fresh evidence, nor was any action taken under Section 7, Act VII of 1868.

209. In Gújránwála no cases were remanded under Section 351, but 23 cases were remanded for trial of issues under Section 354. The proportion of orders confirmed was high, being 80 per cent., and as none of the appeals were disposed of *ex parte*, these figures show either that the decisions of the Lower Courts are unusually sound, or that errors are sometimes passed over in appeal. The District Report contains no explanation on the subject.

210. The Commissioner of Lahore remarks that he examined the files of 29 cases remanded by the Deputy Commissioner of Fírozpúr for re-investigation under Section 351, and found that they should have been remanded under Section 354.

211. The Deputy Commissioner of Ráwal Pindí points out that appeals increase during the hot season, and decrease during the cold season. It was noticed above that in Ambála they increased in the cold season. The Deputy Commissioner remarks that the disposal of an appeal under Section 7, Act VII of 1868, without issuing notice to the respondent, is not often possible. "His practice appears to be to issue notice to the respondent, call for files, and fix a date, often a distant date, for hearing in almost every case. The average duration is accordingly rather high, being 41 days. The return however shows that 26 cases were disposed of under Section 7, Act VII of 1868, which is more than were disposed of in most other Districts under that section.

212. In Jehlam the average duration was also 41 days, owing to frequent changes of officers, and also to the Sadr Station being situated at the extreme end of the District, which is 150 miles long. In 40 cases action was taken under Section 7, Act VII of 1868, which is more than in any other District.

213. In Gújrát the Deputy Commissioner sent for the files in all cases, except those presented beyond time. He remarks in his report that in 138 cases the respondent was summoned, and "157 cases were disposed of in the absence of the respondent." As only 29 cases are shown as having been disposed of under Section 7, Act VII of 1868, it is not clear how so many other cases were disposed of without sending for the respondent.

214. The Deputy Commissioner of Sháhpúr says in his report, that 44 cases were remanded for trial of issues, and 12 per cent. for further evidence, but no such entries appear in the returns.

215. The Commissioner of Múltán notices that in the Jhang District the Deputy Commissioner (Mr. Wakefield) remanded cases too freely under Section 351 for further investigation. Out of 94 disposed of, 34 were so remanded. There was a press of work in that District, but this, the Commissioner remarks, is a still further reason for not remanding cases under Section 351 that might be dealt with under Sections 354 and 356. The Deputy Commissioner explains that "in all these cases evidence of facts essential to the rights of the parties had been excluded."

216. In the Múltán District the average duration of appeals was high, 35 days, which the Deputy Commissioner says was owing to his time having been taken up with the income tax assessments and other miscellaneous work.

217. In Banú the chief feature in the return is the heavy pending file at the end of the year, and the high average duration of cases. The Deputy Commissioner says, "sickness, change of officers, the Deputy Commissioner being for several months the only officer with full powers, and the disturbed state of the frontier, were the causes of this very unsatisfactory state of things."

Separate correspondence has passed on this subject. The arrears have been considerably reduced during the current year.

218. In Dehra Ghází Khán, out of 93 appeals disposed of, 29 were remanded for further investigation, which, the Deputy Commissioner explains, was

owing to there being a number of appeals connected with claims to the fruit of date trees, regarding which local custom had to be ascertained.

219. In the Peshâwar District the appeals were less than in the previous year, owing partly to a portion of the Civil litigation being transferred to the Settlement Courts; but the decrease is also attributed by the Deputy Commissioner in part to the better working of the Tahsîl Courts, owing to better supervision of their procedure. The average duration in this District was reduced from 67 days in 1869, to 27 days. The Commissioner remarks that in this Division the average duration must sometimes be high, because political complications and considerations take precedence of almost all other work.

General result.

220. The returns and reports show that greater attention is paid to the disposal of appeals than formerly; that in the great majority of Districts the conditions under which the law allows of original orders being set aside are better understood, but in some there is room for improvement; and that it is seldom the practice to return cases for re-investigation where the defects could be set to rights by the Appellate Court itself. The reports show that orders are set aside much more frequently for errors in fact, than for errors in law. Both the returns and the reports show that Section 7 of Act VII of 1868, *(Punjab Appeals Act)* is not generally understood or acted upon. The attention of the Courts has recently been drawn to the effect of this section on the appeal sections of the Civil Procedure Code.

221. The value and costs of appeals to Deputy Commissioners are shown in the subjoined statement:—

Scale of valuation.	Number of Appeals.	Aggregate value of Appeals.	Aggregate cost of Appeals.	Average value of Appeals.	Average costs of Appeals.	Per-centage of costs to value.
Not exceeding Rs. 5	574	1,970	935	3 6 11	1 10 1	47 11 5
„ 20	2,300	29,105	5,305	12 10 5	2 4 10	18 3 7
„ 100	3,224	160,006	19,957	49 10 1	6 3 1	12 7 7
„ 500	686	119,691	12,122	174 7 7	18 1 8	10 6 ..
„ 1,000	1	690	74	690 ...	74 . .	10 11 7
TOTAL, ...	6,785	3,11,462	38 693	45 14 6	5 11 3	12 6 9

222. The average value, Rs. 45-14-6, is 3 annas higher than last year; while the average cost, Rs. 5-11-3, is 12 annas 6 pies less. The per-centage of costs to value has fallen from Rs. 14-2 to 12-6-9.

223. The per-centage of costs to value in small suits, not exceeding Rs. 5 in value, has fallen from Rs. 64-5-7 to 47-11-5. These are chiefly land suits. As the value of the appeals rises, the per-centage of costs rapidly diminishes. In suits from Rs 20 to 100, which form the largest class, the costs amount to Rs. 12-7-7 per cent., or about 3 per cent. less than last year. The decreased expense however has not had a very marked effect in increasing the number of appeals instituted.

APPEALS TO COMMISSIONERS.

224. The institutions show a decrease from 4,504 to 4,122. The pending file was less than in the previous year, so that the number of appeals for disposal was much less. Nevertheless the number disposed of shows a great falling off, and the pending file an increase from 458 to 934 cases, of which 140 were pending over two months and 446 over four months, chiefly in the Amritsar Division.

Decrease in institutions

Decrease in disposals

Increase in pending file.

225 The details are shown in the annexed table :—

Divisions.		Appeals for disposal.			Disposed of.	Pending.	Over two months.	Over four months.	Average duration.
		Remaining from 1869.	Instituted in 1870.	Total.					
Dihlí, ...		13	341	354	325	29	...	...	22
Hissár, ...		1	130	131	126	5	...	...	16
Ambála, ...		88	494	582	566	16	...	...	22
Jálandhar, ...		26	793	819	720	99	2	4	37
Amritsar, ...		47	975	1,022	441	581	102	367	53
Lahore, ...		56	411	467	439	28	6	...	45
Ráwal Pindí, ...		53	405	458	399	59	10	5	43
Multán, ...		9	190	199	184	15	...	3	51
Dehraját, ...		41	280	321	304	20	...	5	81
Peshawar, ...		121	103	224	142	82	20	62	187
Total,	1869,	743	4,504	5,247	4,789	458	...	...	68
	1870,	458	4,122	4,580	3,646	934	140	446	46

226. In the Amritsar Division there was an increase of 46 per cent. in the institutions. In Lahore there was a trifling increase also; but in all the other Divisions there was a decrease. The decrease was largest in Pesháwar (50 per-cent.) where there was the heaviest pending file at the end of 1869. The Jálandhar Division shows the largest number of appeals disposed of, 720, but this is far short of the number disposed of in 1869, which was 1,195.

227. The annexed table shows the manner in which appeals were disposed of by Commissioners.

Divisions.		Number of appeals disposed of.	*Appeals withdrawn, transferred, or struck off for default.*		*Confirmed.*		*Modified.*		*Reversed.*		*Remanded for further investigation.*	
			Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Dihlí, ...		325	19	6·0	176	54·0	2	0·6	121	37·0	7	2·0
Hissár, ...		126	2	1·6	90	71·4	2	1·6	24	19·0	8	7·0
Ambála, ...		566	64	11·3	368	65·0	43	7·6	80	14·1	11	1 9
Jálandhar, ...		720	70	9·7	474	65·8	49	7·0	94	13·0	33	4·5
Amritsar, ...		441	12	2·7	333	75·5	11	2·4	57	12·9	28	6·3
Lahore, ...		439	34	7·7	230	52·4	58	13·2	83	19·0	34	7·7
Ráwal Pindí, ...		399	58	14·5	286	71·6	12	3·0	31	7·7	12	3·0
Múltán, ...		184	2	1·0	124	67·3	23	12·5	28	15·2	7	3·8
Dehraját, ...		304	7	2·3	145	47·7	14	4·6	11	3·6	127	41·7
Pesháwar, ...		142	2	1·4	106	74·3	7	5·0	11	7·7	16	11 2
Total, ...	1870,	3,646	270	7·4	2,332	64·0	221	6·0	540	14·8	283	7·7
	1869,	4,789	545	11·4	2,917	60·9	218	4·5	676	14·1	433	9·0

Results of appeals.

228. The proportion of orders confirmed has increased, and an increase is also shown in orders reversed and modified; but the number of remands and withdrawals, and of appeals struck off, has decreased. These results are somewhat similar to those in District Appellate Courts. Defects have been rectified by the Appellate Court itself to a greater extent than formerly.

229. The proportion of appeals reversed was high in Dehlí, (37 per cent), and of orders modified high in Lahore (13·2 per cent.), and Múltán (12·5 per cent.) The proportion of orders reversed was also high in Lahore (19 per cent.). In the Dehrajját the proportion of appeals returned for re-investigation was unduly high (41·7 per cent.)

Results in certain districts.

230. The detailed statement of appeals to Commissioners shows some particulars not given in the above abstracts.

231. Of the 4,122 appeals instituted, 3,510 were from Courts of first instance, and 605 from orders of Deputy Commissioners passed on appeal, and 7 received by transfer.

232. Appeals from the Deputy Commissioners' orders show a considerable decrease in the Ambála, Gújrát and Jhang Districts, and an increase in Amritsar and Jehlám.

Appeals from Deputy Commissioners' orders on appeals

233. The appeals from Deputy Commissioners' orders on appeal were disposed of as follows :—

	Transferred, ...	7
	Struck off on default, &c., ...	65
Ex parte.	Confirmed, ...	53
	Modified, ...	7
	Reversed, ...	14
Contested.	Confirmed, ...	274
	Modified, ...	21
	Reversed, ...	100
	Remanded for further investigation, ...	15
	Total disposed of	556
	Pending, ...	106

These results show that about 28 per cent. of Deputy Commissioners' orders on appeal were reversed, modified, and remanded.

234. Of the appeals disposed of, 254, or about 6 per cent., were sent back to the Lower Court for trial of issues. The largest number dealt with in this way occurred in the Lahore and Jálandhar Divisions. The Commissioners of Hissár, Pesháwar and the Dehrajját, returned no appeals under Section 354.

Remands

235. Additional evidence was called for in 58 cases, chiefly in the Jálandhar and Lahore Divisions.

Duration.

236. The average duration of appeals in Commissioners' Courts has decreased from 68 days to 46 days. The reduction was very marked in the following Divisions :—

	1869.		1870.	
Jálandhar, ...	95	*Days.*	37	*Days.*
Amritsar, ...	101	„	53	„
Ráwal Pindí, ...	61	„	43	„
Dehraját, ...	164	„	81	„

In Pesháwar the average increased from 132 days to 187 days, and in Múltán from 43 days to 51 days.

237. The Commissioner of Dihlí remarks that "the duration of appeals is very much lengthened by the vakeels, who attend in almost every case." When the Commissioner goes into camp in the cold weather many of these cases are postponed till his return to head-quarters at the request of the vakeels, and postponements on other grounds are also occasionally applied for, all of which tend to lengthen the duration of the appeals. The duration however, in this Division, is much below the average.

Decrease in appeals in Ambála

238. In the Ambála Division there was a marked decrease in the number of appeals instituted, regarding which the Commissioner remarks as follows :—

"I attribute this falling off in institutions, in spite of the increased number of original suits and appeals to Deputy Commissioners, to the fact that, on principle, I never interfere with the order of the Lower Court, unless it is distinctly illegal, or there has been a manifest failure of justice.

"In doubtful cases, and there must be many such, though I have heard Officers affirm the contrary, I always uphold the Lower Court.

"This can be the only reason for the decrease, for the practice of my Court is as follows :—

"I always hear the appeals the first thing, as soon as they are presented, and they are either dismissed *ex parte* then and there, or a day fixed for trial; the suitor can go home the same evening.

"The cases fixed for trial are always heard on the day fixed. On a few exceptional occasions I have had to postpone them till the next day, so that in the great majority of cases only two days need be occupied at my Court.

"The fact that the average duration fell from 55 to 14 days in 1869, would also prevent appeals being made, as many are for the mere purpose of putting off the execution of decree."

Arrears in Amritsar.

239. In the Amritsar Division there were 1,022 appeals for disposal, of which 441 were disposed of, and 581 remained pending, and of these 102 were pending over two months, and 367 over four months. The Commissioner's report contains no explanation of how these appeals accumulated, but the subject was noticed at various times during the year; and in the current year an Additional Commissioner has been appointed to assist in clearing off the arrears. The changes of officers, and the death of Colonel McNeile, contributed to the accumulation of these arrears. It has already been pointed out that the new appeals in this Division increased by 46 per cent., a fact which bears out the opinion that delay in the disposal of appeals, and the accumulation of arrears, have a tendency to encourage appeals, inasmuch as whatever the ultimate result may be, an appeal that is kept long pending is a greater injury to the respondent than one that is promptly disposed of.

Duration of appeals in Lahore.

240. The average duration in Lahore increased from 27 days in 1869, to 45 days in 1870, which, the Commissioner explains, is due partly to the inclusion of two cases of a special character, one of which lasted 511 days, and the other 325 days, and also to the increased number of cases remanded under Section 354, and in which additional evidence was called for under Section 356. Some cases also were sent back more than once because the original referring order had not been properly carried out.

Duration in Múltan.

241. In Múltán the increased average duration is partly accounted for by the Commissioner by the fact that only two cases were struck off without trial, against 38 in 1869. The Commissioner tried the plan of hearing appeals while on tour through the District to which they belonged, but he found that other business interfered, and that appeals could be decided more satisfactorily at his head-quarters. In several important land cases however local enquiry was found useful.

Remands in the Dehraját.

242. The Commissioner of the Dehraját remarks that "attention has lately been called to Sections 351 and 354 of Act VIII of 1859, and their provisions are now strictly carried out for the hearing of appeals, so that the parties are never kept waiting."

243. The fact that out of 304 cases disposed of, 127 were remanded for re-investigation, and only one for further evidence, and none at all for trial of

issues, shows that greater attention to the subject was much needed in this Division. There was one very old appeal pending in this Division, dated 26th November 1868, which the Commissioner says was delayed pending a reference involving an important principle, connected apparently with the rights of the Gundapooree Chiefs.

High duration and large arrears in Peshawár.

244. The Commissioner of Pesháwar gives no explanation of the cause of such a heavy pending file, and such a great increase in the average duration of his appeals.

245. Upon the whole the appellate work of Commissioners has made much improvement since last year, especially in the reduction of the duration of cases, which would be still more marked if the exceptionally high average of the Pesháwar Division were excluded.

Miscellaneous appeals.

246. Of 332 miscellaneous appeals for disposal, 289 were disposed of, and 43 left pending, against 24 the previous year. The average duration was 38 days.

247. The value and costs of appeals to Commissioners are shown in the annexed table :—

Scale of valuation.	Number of appeals.	Aggregate value of appeals	Aggregate cost of appeals	Average value of appeals.	Average cost of appeals.	Percentage of costs to value.	
Not exceeding Rs. 5	113	342	395	3 ... 4	3 7 11	115 8 5	In some Divisional Returns Miscellaneous Appeal cases have been included, hence the difference between this Statement and the Commissioners' Appeal Statement.
„ 20	718	9,090	3,038	12 10 6	4 3 7	42 4 1	
„ 100	1,523	86,353	16,664	56 11 2	10 14 10	19 4 3	
„ 500	988	2,38,061	33,246	240 15 3	33 10 4	13 15 5	
„ 1,000	171	1,17,853	19,697	689 3 2	115 3 .	16 11 4	
„ 5,000	131	2,65,151	31,794	2,024 ... 10	242 11 2	11 15 10	
„ 10,000	9	71,279	2,025	7,919 14 3	225 ..	2 13 5	
„ 1,00,000	6	1,40,487	54,900	23,414 8 ...	9,150 . .	39 1 3	
Above 1,00,000	1	1,56,666	2,564	1,56,666	2,564	1 10 2	
TOTAL,	3,660	10,85,282	1,64,303	296 12 9	44 14 3	15 2 2	

248. It will be seen that there were 113 appeals in suits valued under Rs. 5. Most of these were probably for rights and interests in land. The costs exceeded the value in these cases. The great bulk of the appeals were in cases under Rs. 100 in value. The average value of all the appeals was Rs. 296-12-9, and the cost Rs. 15-2-2 per cent.

APPEALS TO THE CHIEF COURT.

219. The number of appeals preferred to the Chief Court, and the number disposed of, show a great increase during the year. The institutions amounted to 1,442, or 12 per cent. more than in 1869 ; the increase being entirely in special appeals, which have risen from 770 to 1091, or 41 per cent., while regular appeals have fallen from 511 to 351, or 31 per cent.

250. At the beginning of the year there were 142 regular and 204 special appeals pending. At the end of the year there were only 90 regular, and 92 special appeals pending. The average duration decreased from 56 to 52 days.

251. The annexed table shows the work disposed of during 1870 and the four preceding years.

Years.	Number of appeals disposed of.	Appeals with-drawn, transferred or struck off for default, and dismissed under Sec. 7, Act VII of 1868.		Confirmed.		Modified.		Reversed.		Remanded.	
		Number.	Per-cent.	Number.	Per-cent.	Number.	Per-cent.	Number.	Per-cent.	Number.	Per-cent.
1866, ...	1,299	919	70·8	235	18·1	16	1·2	57	4·4	72	5·5
1867, ...	1,311	493	37·6	515	39 0	46	3·5	136	10·3	121	9·0
1868, ...	1,066	411	38 5	411	38·5	35	3·2	144	13·5	65	6·0
1869, ...	1,179	506	43·0	433	36·7	32	2·7	145	12·3	63	5·3
1870, ...	1,608	827	51 4	529	32·9	23	1·4	159	9·2	70	4·4

The number of appeals disposed of has been increasing from year to year, but the increase in the year under report is unprecedented.

252. The per-centage of appeals disposed of without calling for files or sending notice to respondent has increased considerably. The proportion of orders confirmed on trial shows a decrease. The proportion reversed, modified, and remanded, that is, interfered with in any shape, shows a decrease from year to year since 1867, and especially in the year under report. In other words, taking the cases disposed of without calling for files, and the cases disposed of on trial together, the result is an increase of orders confirmed, and a decrease of orders interfered with.

This result may be due either to appeals being more needlessly made, or to the orders of Lower Courts being more sound than formerly. Orders were confirmed in a greater proportion in special than in regular appeals.

253. The appeals for disposal were chiefly connected with the following Districts :—

Jálandhar	188
Húshiárpúr	182
Ambála	147
Amritsar	135
Dihlí	131
Firozpúr	109
Jehlam	91

Appeals from Frontier Districts are comparatively rare.

254. In 17 regular, and 53 special appeals, further investigation was ordered. In 32 regular, and 26 special appeals, issues were referred for trial, and in one regular, and one special appeal, additional evidence was called for.

255. Of the 90 regular appeals pending at the end of the year, no less than 51 belonged to the Dihlí District. About 47 of these were practically one case, in which the respondent was the same, but the appellants were different, and preferred separate appeals. The case was connected with tenant right, and was decided in the beginning of the current year.

256. The value and costs of appeals to the Chief Court are shown in the annexed table, but as already remarked in connection with costs of original suits, the real expenditure incurred by litigants is much greater than is shown in the return, especially in the item of Pleaders' fees.

257. The aggregate value of appeals in suits, not for land, is greatly raised by the three suits above a lac of rupees each, but even deducting these, there is an increase of Rs. 45,000 in the value of these suits. The average value however shows a decrease if these 3 suits are deducted.

258. The aggregate value of land suits decreased from Rs. 1,78,117 to 1,15,512, and the average value from Rs. 367-4 to 192-13-5.

Valuation of Suits.	APPEALS IN SUITS OTHER THAN FOR LAND.										LAND SUITS.									
	Number of suits.	Aggregate value of suits.	Cost of suits					Average value of suits.	Average cost of suits.	Per-centage of costs to value.	Number of suits.	Aggregate value of suits.	Cost of suits.					Average value of suits.	Average cost of suits.	Per-centage of costs to value.
			Court fees stamps, other than process fees.	Process fees stamps.	Pleaders' fees.	Miscellaneous costs.	Total.						Court fees stamps, other than process fees	Process fees stamps.	Pleaders' fees.	Miscellaneous.	Total.			
								Rs. A. P.	Rs. A. P.	Rs. A. P.								Rs. A. P.	Rs. A. P.	Rs. A. P.
Not exceeding Rs. 5	18	64	20	2		89	111	3 8 10	6 2 8	173 7 ...	27	72	25	2	...	120	147	2 10 8	5 7 1	207 ... ...
„ „ 20	134	1,833	200	19	4	423	646	13 10 10	4 13 1	35 3 10	108	1,236	168	20	2	473	668	11 7 1	6 2 2	53 10 3
„ „ 100	395	22 673	2,048	228	193	1,915	4,384	57 6 4	11 1 6	19 5 4	271	14,263	1,555	289	82	1,652	3,578	52 10 1	13 3 2	25 1 4
„ „ 500	226	52 530	4,459	332	408	1,503	6,702	232 6 11	29 10 5	12 10 2	147	34,809	3,203	323	430	1,292	5,248	230 10 9	35 11 2	15 1 2
„ „ 1,000	44	31,762	2,815	142	586	321	3,864	721 13 9	87 13 1	12 2 7	23	16,383	1,354	276	244	213	2,086	712 4 10	90 11 1	12 11 8
„ „ 5,000	44	81.795	4,988	215	1,987	436	7,626	1,858 15 7	173 5 1	9 5 2	22	42.949	2,839	132	905	452	4,328	1.952 3 7	196 11 7	10 1 2
„ „ 10,000	4	33,427	1.252	24	350	41	1.667	8,356 12 ..	416 12 ...	4 15 9	1	5,800	340	...	290	4	634	5,800	634	10 9 4
„ „ 1,00,000	3	55.244	509	33	755	53	1,350	18,414 10 8	450	2 7 1	...	...	..	...	...	...	...	... ...	... ...	... ...
Above 1,00,000	3	4,10,000	5,675	48	2,700	132	8,555	1,36,666 10 8	2.851 10 8	2 ... 9	...	...	...	..	...	...	...	... ...	.. ..	... ...
Total	871	6,89,328	21,966	1,043	6,983	4,913	34,905	791 6 8	40 1 2	5 1 ...	599	1,15,512	9,484	1,041	1,953	4,206	16,684	192 13 5	27 13 7	14 7 1

259. The appeals in suits other than for land were chiefly of the value of a little over Rs. 5 to 100. There were 18 appeals in cases under Rs. 5 in value, in which the costs came to about twice as much as the claim ; but these cases often involve important rights of far greater value that the nominal sum of money at which the claim is estimated.

There were three appeals that aggregated Rs. 4,10,000 in value. Of land suits the highest value was Rs. 5,800. The majority of the land suits were below Rs. 500 in value.

APPEALS IN ALL COURTS.

260. The annexed table shows the number of appealable cases, and the number actually appealed to Deputy Commissioners, Commissioners, and the Chief Court. It will be seen that both in Deputy Commissioners' Courts and Commissioners' Courts there has been a falling off of about 3 per cent. in the number of appealable cases actually appealed. Had the decrease been only in Deputy Commissioners' Courts, it might have been owing to an increase in the number of officers with full powers, whose appeals lie to the Commissioner, but the number of cases appealed to Commissioners shows an actual decrease, and the proportion of appealable cases appealed shows also a decrease of 3 per cent. It is clear, therefore, that though litigation generally has increased, appeals generally have fallen off, a result which indicates improvement in the Courts of original jurisdiction.

APPELLATE COURTS.		Number of cases decided on the merits and appealable to Appellate Courts.	*Cases appealed.*		Number of cases for disposal by Appellate Courts, including cases remaining from 1869.	*Withdrawn, transferred, or struck off on default, and dismissed under Section 7, Act VII of 1868.*		*Confirmed.*		*Modified.*		*Reversed.*		*Remanded.*		Total disposed of.	Pending at close of 1870.	Average duration.
			Number.	Per-centage to appealable cases.		Number.	Per-centage to appellate cases.	Number.	Per-centage to appellate cases.	Number.	Per-centage to appellate cases.	Number.	Per-centage to appellate cases.	Number.	Per-centage to appellate cases.			*Days.*
Deputy Commissioners,	1869,	31,441	6,349	20·1	6,825	381	5·8	3,731	57·4	389	6·0	860	13·2	1,139	17·5	6,500	325	26
	1870,	40,572	7,161	17·6	7,486	423	6·2	4,177	61·5	436	6·4	934	13·7	818	12·0	6,788	698	27
Commissioners, ...	1869,	15,156	4,504	29·7	5,247	545	11·4	2,917	60·9	218	4·5	676	14·1	433	9·0	4,789	458	68
	1870,	15,710	4,122	26·2	4,580	270	7·4	2,332	64·0	221	6·0	540	14·8	283	7·7	3,646	934	46
Chief Court, ...	1869,	1,337	511	38·2	1,525	506	43·0	433	36·7	32	2·7	145	12·3	63	5·3	1,179	346	56
	1870,	1,044	351	33·6	1,790	827	51·4	529	32·9	23	1·4	159	9·2	70	4·4	1,608	182	52
TOTAL, ...	1869,	17,934	11,364	23·7	13,597	1,432	11·4	7,081	56·8	639	5·1	1,681	13·4	1,635	13·2	12,468	1,129	...
	1870,	57,326	11,634	20·2	13,856	1,520	12·6	7,038	58·4	680	5·6	1,633	13·5	1,171	9·7	12,042	1,814	...

MISCELLANEOUS CASES IN DISTRICT COURTS.

261 The chief cases under this heading are applications for execution of decree, which will be noticed further on. The remaining entries comprise all cases of a judicial nature, not being regular Civil Suits.

262. The chief cases disposed of by Deputy Commissioners were—

Appeals in execution of decree	138
Appeals in miscellaneous cases	83
Certificates under Act XXVII of 1860	271
Probate and administration	7

263. The chief cases disposed of by Deputy Commissioners and other Judicial officers, were—

Reviews of judgment	2,067
Pauper petitions	622
Intestacy	130
Resistance to process	113
Special Registration enforced	1,383
Contempt of Court	92
References from other Courts	8,977
Miscellaneous petitions &c.	9,653

Very few miscellaneous cases remained undisposed of at the end of the year.

264 Cases of contempt of Court decreased from 347 to 89, and of these 54 were in the Syalkot District.

EXECUTION OF DECREES.

265. The annexed statement shows the work of all Districts connected with execution of decrees.

	DISTRICTS.	Total number of applications for execution.	Completely executed.	Partially executed.	Struck off.	Transferred.	Total number disposed of.	Per-centage of decrees completely executed.
1	Dihlí, ...	4,087	1,432	1,406	689	237	3,764	36
2	Gúrgáon, ...	1,156	555	185	240	17	997	55
3	Karnál, ...	1,947	753	399	568	24	1,744	43
4	Hissár, ...	1,328	436	366	421	22	1,245	35
5	Rohtak, ...	1,688	713	334	545	15	1,607	44
6	Sirsa, ...	637	218	102	223	24	567	39
7	Ambála, ...	6 301	2,258	1,139	1,933	432	5,762	39
8	Ludhiána, ...	4,188	1,634	1,215	868	...	3,817	42
9	Simla, ...	1,782	477	334	879	46	1,736	27
10	Jálandhar, ...	6,083	2,005	1,750	1,689	101	5,545	36
11	Húshiárpúr, ...	6,960	3,009	1,442	1,854	12	6,317	48
12	Kángra, ..	2.789	1,443	337	694	1	2,475	58
13	Amritsar, ...	6,795	2,287	1,199	2,392	...	5,878	39
14	Gúrdáspúr, ...	5,031	2,053	1,014	1,055	24	4.146	49
15	Syalkot, ...	7,503	1,832	1,957	2,259	673	6,721	27
16	Lahore, ...	6,860	2,666	1,692	1,947	...	6,305	42
17	Fírozpúr, ...	5,183	1,750	1,608	1,049	...	4,407	39
18	Gújránwála, ...	2,248	1,070	371	544	33	2,018	53
19	Ráwal Pindí, ...	3,379	1,588	657	792	30	3,067	51
20	Jehlam, ...	1,213	586	325	191	2	1,104	53
21	Gújrát, ...	2,262	1,044	462	353	18	1,877	56
22	Sháhpúr ...	1,728	856	341	394	...	1,591	54
23	Múltán, ...	1.288	554	235	391	...	1,180	47
24	Jhang, ...	1,539	773	208	432	...	1,413	54
25	Montgomery, ...	1,073	448	228	339	...	1,015	44
26	Muzaffargarh, ...	1,123	517	127	362	1	1,007	51
27	Banú, ...	1.439	1,035	115	37	...	1.187	87
28	Dehra Ismaíl Khán,	2.101	1,160	158	518	...	1,836	63
29	Dehra Gházi Khán,	1,501	707	251	259	...	1,217	58
30	Pesháwar, ...	2,483	1,196	509	575	...	2.280	52
31	Huzára, ...	645	251	155	111	...	517	48
32	Kohát, ...	276	170	60	35	1	266	67
	TOTAL, ...	94,616	37,476	20,681	24,738	1,713	84,608	44

266. The number of applications for execution shows a large increase from 55,397 to 86,927. Of these, 64,296 were fresh institutions, and 21,324 were re-admissions of cases struck off on default in the previous year, and 1,307 were received by transfer.

267. Inclusive of the balance (7,689) of the previous year, there were 94,616 applications for disposal. The aggregate value of the decrees put in execution amounted to Rs. 72,86,464. 84,608 of the applications were disposed of in the following manner :—

37,476, or 44 per cent., were completely executed.
20,681 or 24 „ „ executed in part.
24,738 or 29 „ „ struck off on default.
1,713 or 2 „ „ transferred.

268. The proportion of decrees completely executed in the different classes of Courts, was as follows :—

Small Cause Courts,	35 per cent.
Honorary Civil Judges,	47 „
Tahsíldars and Naib-Tahsíldars,	47 „
Assistant and Extra Assistant Commissioners,	40 „
Deputy Commissioners,	37 „

The largest per-centage of decrees completely executed was in the Districts of Banu (87 per cent.); Kohát (67 per cent.); Dehra Ismail Khán (63 per cent.); Dehra Ghází Khán and Kángra (58 per cent. each); Gújrát (56 per cent.); Gúrgáon (55 per cent.); and Jhang (54 per cent.)

The smallest proportion of decrees were completely executed in the Districts of Syalkot and Simla (27 per cent. each); Hissár (35 per cent.); and Dihlí and Jálandhar (36 per cent. each).

269. The total amount realized in execution of decrees was Rs. 21,11,088, or 29 per cent. of the aggregate value of decrees put in execution.

Of the amount realized, Rs. 3,57,012, or 16 per cent., were paid voluntarily into Court, and Rs. 17,54,076 were realized after issue or execution of coercive processes.

From the Jhang District return it appears that nothing was paid voluntarily, which is probably a mistake.

The largest proportionate amounts were realized in the Districts of Banú (65 per cent.); Dehra Ghází Khán, (63 per cent.); Gújrát (61 per cent.); and Jhang (54 per cent.)

The smallest proportions were realized in Gújránwála (4 per cent.); Syalkot (6 per cent.); Hissár (9 per cent.); Dihli (14 per cent.); Amritsar and Hazára (17 per cent. each).

Coercive processes.

270. The number of coercive processes issued for imprisonment of persons was 2,404 during the year. 858 debtors were imprisoned for debt. Of these—

465	were imprisoned	for 1	month.
274	„ „	up to 3	months.
109	„ „	„ 6	„
10	„ „	above 6	„

As in previous years, the number of persons imprisoned was greatest in the Dihlí and Pesháwar Districts.

271. Sanction in five cases was accorded by the Chief Court to the sale of hereditary or joint acquired property. In 81 cases arrangements were made, under Sections 243 and 244 of Act VIII of 1859, for the alienation of immoveable property until the debt should be discharged.

Sale of immoveable property

272. The following remarks regarding execution of decrees are made by the Commissioner of Multan (Mr. A. Brandreth):—

"Under this head there has been no marked or special alteration. Every piece of property, camels, cows, land, &c., are, in this Division, held upon shares often so numerous and minute, that execution of decrees is very difficult; almost every cow or camel held by a villager belongs to the extent of $\frac{1}{3}$, $\frac{1}{2}$ or $\frac{2}{3}$ to some shop-keeper who has taken this share for his debts. The villager keeps the animal, and they settle their shares of the profit yearly. The shares of the shop-keepers are sold, divided or exchanged among themselves, either in ordinary trade or in inheritance, and the villager's shares become equally divided, and this renders execution of decrees most troublesome and difficult. A decree-holder will attach a camel and find that the holder has only $\frac{1}{8}$rds of a quarter share, and he is seldom able to find out what shares his debtor has in some buffalo held by another person, so that the small amount of success in executions is more excusable here. The Deputy Commissioner Jhang has pointed out very forcibly how important it is to execute all decrees against the revenue paying agriculturalists through the Tahsíldars.

* * * * * * * *

"I certainly fully agree with him. The revenue paying agriculturists, whatever we may call them, are really Government tenants, and the Government factor or land agent is the proper person to look after them."

273. The Commissioner of the Dehraját remarks that it has been found impracticable to entrust execution cases to one officer, except in Tahsíls, where this part of the work is generally done by the Naib-Tahsíldar. The Commissioner has overlooked the order of the Chief Court, contained in Book Circular X of 1870, that execution of decrees is to be effected not by a separate Court, but by the Court that issued the decree.

274. Some improvement has taken place in the disposal of this branch of work, but it is admitted that unnecessary delay still takes place at times,—that limitation is not always looked to,—that the procedure is defective in various ways,—and that the work is set aside in favor of other work that seems more pressing. The system of making each Court execute its own decrees seems to be generally approved of. It should have the effect of stimulating each Court to greater efforts for its own credit. But the proportion of decrees completely executed, and of money realized, shows a slight decrease as compared with last

year. Upon the whole there is still much room for improvement in execution of decrees.

GENERAL.

275. The annexed table shows the income and expenditure on account of process fees—

Process Fees.

No.	Districts.	Income.			Expenditure.			Surplus.		
1	Dihlí, ...	15,544	...	...	6,163	15	3	9,380	...	9
2	Gúrgáon, ...	5 379	7	6	1 974	1	10	3,405	5	8
3	Karnál, ...	6,586	14	...	3,552	...	...	3,034	14	...
4	Hissár, ...	4,023	6	..	1.516	8	5	2,506	13	7
5	Rohtak, ...	5,946	6	...	2,087	9	10	3,858	12	2
6	Sirsa, ...	2,585	8	...	1,542	1	...	1,043	7	..
7	Ambála,	17,554	11	...	8.165	1	1	9,389	9	11
8	Ludhiána, ...	16,295	2	...	3,289	8	7	13 005	9	5
9	Simla, ...	4,056	15	...	1,840	5	6	2 216	9	6
10	Jálandhar, ...	25,431	6	...	7,294	10	4	18,136	11	8
11	Húshiárpúr, ...	29,118	14	...	8,430	8	4	20,688	5	8
12	Kángra, ...	10.555	15	...	5,298	8	9	5,257	6	3
13	Amritsar, ...	19,850	...	...	9,298	1	3	10,551	14	9
14	Gúrdáspúr, ...	16,591	14	...	4,655	2	7	11,936	11	5
15	Syalkot, ...	20,711	5	...	5 708	8	4	15,002	12	8
16	Lahore, ...	23.099	3	...	9,772	5	3	13 326	13	9
17	Firozpúr, ...	12 702	15	..	4,510	12	1	8,192	2	11
18	Gújránwála, ...	7 519	6	...	3,124	2	...	4,425	4	...
19	Ráwal Pindí, ...	12 186	2	...	5.348	4	10	6,837	13	2
20	Jehlam, ...	7,305	12	...	3,440	3	10	3 865	8	2
21	Gújrát, ...	6 929	6	...	3,060	..	...	3,869	6	...
22	Sháhpúr, ...	5,738	...	...	3 840	11	11	1 897	4	1
23	Múltán, ...	5,906	10		3,996	...	...	1,910	10	...
24	Jhang, ...	6,399	14	...	2,737	...	..	3,662	14	...
25	Montgomery, ...	5,133	4	...	2 090	8	...	3,042	12	...
26	Muzafargarh, ...	5 499	2	...	3.287	4	7	2,211	13	5
27	Banú, ...	7,009	...	...	3.282	..	...	3,727	...	...
28	Dehra Ismaíl Khán, ...	9,363	8	...	4,155	12	7	5,207	11	5
29	Dehra Gházi Khán, ...	4,915	11	.	2 895	15	2	2,029	11	10
30	Peshawar, ...	9,545	4	...	4.155	13	2	5,389	6	10
31	Hazára, ...	3.140	14	..	2,117	10	3	1,023	3	9
32	Kohát, ...	1,254	12	. .	533	10	8	721	1	4
	Total, ...	3,33,911	6	6	1,33,154	13	5	2,00,756	9	1

276. In Jálandhar the Deputy Commissioner tried the plan of locating a Deputy Sheriff and staff of peons at each Tahsíl for service of all processes for that Tahsíl, the processes being sent from the Sadr, and returned to Sadr by District post. This plan may save time in serving processes, but it is open to the objection that it is difficult to determine before hand the proper number of peons to keep at each Tahsil; some peons located in one Tahsíl might often be more wanted in another. The Deputy Commissioner however was able,

by the system he adopted, to save expense. Although the proceeds of Process Fees Stamps are now merged in the general revenues, a separate account of the income and expenditure is still kept up by the Civil Courts. There is a large surplus realized annually. The establishment is on a very moderate scale, and has not increased in proportion to the great increase of work. Occasionally the insufficiency of the agency is so severely felt that separate applications are made for an increase, which must in many instances be allowed.

Special Registration.

277. The benefits that were expected from this system were scarcely realized, and its abolition in the new Act is not to be regretted.

Separation of the Judicial and Executive services.

278. The pressure of Civil work continues to be very great, especially in the more populous and litigious Districts in the Upper Punjab. Proposals of a remedial nature have been deferred from time to time in expectation of some comprehensive plan for the improvement of the Civil administration being introduced. Since the close of the year under report measures have been adopted by Government with this object in view, and a scheme is under consideration, and the result will, it is hoped, tend to strengthen and improve the Judicial Agency of the Province.

279. As a step in the direction of a more complete separation, it has been the practice for some years to endeavour to concentrate the Civil work of a District in one Court, or to require officers to devote themselves to Civil work for a stated period, and then to Criminal work. The arrangement works well in large Districts where there are several officers with equal powers, but where their powers are not equal, or the District staff is insufficient, there is much difficulty in adhering to the plan.

There can be no doubt that Civil Justice is better administered by officers exclusively devoted to the work, than by officers whose time is continually subject to other demands; and the suitors in Civil cases are well aware of this.

280. The statistics of Small Cause Courts for a series of years show that they are popular, and the financial results show that they are always self-supporting and frequently very profitable. The Judges are therefore glad to think that the extension of the Small Cause Court system forms a prominent part of the scheme above alluded to.

Inspection of Courts and Cases.

281. This subject is not much alluded to in the reports. The Deputy Commissioner of Dihli (Major McMahon) says he sends once a month for the oldest Civil, Criminal, and Revenue

case in the District, and taking the several Courts in turn, examines once a month all suits pending over two months. Cases are also called for at random from each Tahsíldar and Naib-Tahsíldar's Court, and in every appeal case the whole record is gone over. The inspection and control have apparently been very efficient in this District.

The Deputy Commissioner of Ambála reports that the appellate work is so heavy that there is no time for inspection, but "the Superintendent and record-keeper are directed to bring irregularities to notice." In Pesháwar something appears to have been done in the way of inspection and supervision. In most other Districts the subject does not appear to have been attended to.

Commissioners also do not seem to attend to the important work of inspection and supervision as much as might be wished.

Record of evidence and judgment.

282. The Deputy Commissioner of Dihlí believes that Tahsíldars very commonly allow their subordinates to record evidence in their absence, or while they are engaged on some other case, and do not take up the case themselves till it is ready for judgment. The same opinion is expressed by some other officers, and a glaring instance of the kind was recently reported to the Court. There is room for difference of opinion as to how far it is essential that an officer should record the proceedings with his own hand; but it is to be feared that the practice, in the Courts of Native Judges, of allowing two or three cases to go on at the same time is not yet entirely extinct, and requires to be rigorously repressed.

283. The English abstracts prepared by European officers are usually drawn up with due attention to procedure, but instances occasionally come before the Court in which there is a discrepancy between the English and the Vernacular, and in which the abstract is prepared after the case has been disposed of in vernacular.

284. The list of orders passed attached to each case, prescribed by the Court, has been found very convenient in practice, especially to Appellate Courts.

Court Fees Act.

285. The reduction of duties on plaints, especially in land suits, has affected the income considerably, but this has been partly made up for by the increased number of suits.

This subject has already been noticed under the head of costs and value. In original suits it was shown that the aggregate costs had decreased by 4 per cent. The returns do not give the details of costs, but the stamp duty is the

principal item. The average cost had decreased by Rs. 1-6-2, and the per-centage of costs to value by Rs. 1-5-6.

Cause lists.

286. Greater attention is paid to the keeping up of cause lists. The Deputy Commissioner of Sirsa remarks that they are of no use to suitors, as they cannot read them. This is not a serious objection, as most suitors cannot read their summons, or their own documents, yet they are informed of their contents by having them read for them; moreover, the chief use of a cause list is to make the Judge himself regular and punctual in the disposal of Civil work. It is admitted in some Districts that the cause lists are not properly kept up and acted up to.

Pleaders.

287. The number of pleaders has largely increased from year to year. There are now 23 pleaders of the Chief Court, and a much larger number enrolled for Subordinate Courts. In Dihlí pleaders are particularly numerous, and some officers are of opinion that there is no room for more. The Commissioner, however, would put no restraint on their increase, but a higher fee and severe examinations. The Deputy Commissioner remarks that in almost every case before him, whether original or appeal, pleaders are retained.

The Deputy Commissioner of Jálandhar remarks that pleaders before him were seldom well instructed in their cases, and trusted to their clients to enlighten them as the case proceeded.

In Jehlam there are no resident pleaders, but one presented himself in a criminal suit, "but did not appear to have made himself acquainted with it."

The Commissioner of Multan reports that there are only two pleaders in that Division, and he wishes there were more. He writes—

"At present we want agents at each Court, high and low, urgently. Men who can carry on the case while the shop-keeper looks after his shop, while the agriculturist saves his harvest, and yet in 48 of the 53 Courts of this Division there is no one who can be so employed * * * Till proper pleaders qualify, I consider that it would be a tremendous improvement to allow the presiding officer of each Court to license four men as agents."

This plan does not commend itself for adoption. The supply of pleaders in the province generally is rapidly increasing, and if there is a good opening for them in Múltán, they will doubtless appear there in due time. The system of licenses proposed by the Commissioner would not be in accordance

with the Pleaders' Act. There is nothing to prevent persons who are fit for the work from going up for the Mukhtear's examination under the existing rules. The rules must be adapted to all Courts in all parts of the Province alike, and no further provision for the admission of pleaders or agents seems to be required. What our Courts should aim at, is to handle cases so thoroughly as to render the people practically independent of pleaders.

Sale of land.

288. Sales of ancestral or joint acquired land are only sanctioned in very exceptional cases. Numerous applications have been refused. Where, however, the owner has become bankrupt, and voluntarily surrendered his land, the sale has of late been sanctioned. The subject is believed to be under consideration in the Legislative Department, and the result is awaited.

Record offices.

289. The Mouzahwar system has been gradually extended, and is found an improvement on the former chronological arrangement; but one disadvantage is pointed out by some officers. It is frequently necessary, for purposes of inspection and statistics, to collect together all the decisions of one officer for a given period, or all the cases connected with a particular subject. This process now involves a protracted search in the registers, and the opening up of a large number of village bundles before the cases can be collected. It must however be admitted that some such inconvenience will be found whatever system of record be adopted. The occasions on which these difficulties arise are temporary and exceptional. As a permanent arrangement, the system of depositing records in the bundles of the village to which they refer is in accordance with the well understood system of revenue record, and with the village system of the country, and enables the record-keeper to deal with all records and registers on one uniform plan, whether they relate to Civil, Criminal, or Revenue business. Special arrangements are always made for the records of large towns and cities, and for cases that do not belong to any particular village.

Conclusion.

290. The following table shows the dates on which the Annual Civil Reports of the several Commissioners were received in this office.

Dihlí,	...	9th March 1871.
Hissár,	...	6th February.
Ambála,	...	3rd March.
Jálandhar,	...	20th May.
Amritsar,	...	10th March.
Lahore,	...	11th April.
Ráwal Pindí,	...	1st March.
Múltán,	...	6th April.
Dehraját,	...	4th April.
Pesháwar,	...	23rd February.

The Reports of Commissioners and Deputy Commissioners are forwarded herewith for reference.

I have &c.,

J. A. E. MILLER,

Offg. Registrar, Chief Court of the Punjab.

APPENDIX. No. I.

STATEMENT SHOWING THE ENTIRE CIVIL BUSINESS OF THE DISTRICTS OF THE PUNJAB DURING 1869 AND 1870.

No.

GENERAL COMPARATIVE STATEMENT OF THE ENTIRE CIVIL BUSINESS

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
			Number of Cases on the File.				Disposed of without Decree.						De	
Number.	Division.	District.	Pending from last year.	Instituted in 1870.	Received by transfer.	Total for disposal.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave, Section 97, Act VIII of 1859.	Adjusted by mutual agreement under Section 98, of Act VIII of 1859	Total.	With- Compromised.	Decreed on confession
1	DIHLI.	Dihlí, ... 1869,	241	5,813	...	6,054	...	..	292	* 981		1,273	396	2,098
		1870,	163	7,889	...	8,052	2	25	495	260	475	1,257	1,011	2,520
2		Gúrgáon, ... 1869,	33	1,862	...	1,895	1	...	175	* 10		186	398	613
		1870,	42	2,074	...	2,116	1	78	217		269	565	291	555
3		Karnál, ... 1869,	69	2,470	...	2,539	...	..	209	* 566		775	...	915
		1870,	96	3,461	..	3,557	1	89	377		745	1,212	...	1,338
		Total, ... 1869,	343	10,145	...	10,488	1	...	676	* 1557		2,234	794	3,626
		1870,	301	13,424	...	13,725	4	192	1,089	260	1,489	3,034	1,302	4,413
		Difference, ...	— 42	+ 3,279	...	+ 3,237	+ 3	...	+ 413	+ *192		+ 800	+ 508	+ 787
4	HISSAR.	Hissár, ... 1869,	24	1,403	...	1,427	1	...	130	* 201		332	86	491
		1870,	14	2,620	...	2,634	...	...	182	305	117	604	101	1,239
5		Rohtak, ... 1869,	2	1,329	...	1,331	1	...	94	* 216		311	86	404
		1870,	4	2,393	...	2,397	1	11	83	4	435	534	215	821
6		Sirsa, ... 1869,	5	747	...	752	4	...	76	* 71		151	8	201
		1870,	15	1,378	...	1,393	2	3	143	13	167	328	1	429
		Total, ... 1869,	31	3,479	...	3,510	6	...	300	* 488		794	180	1,096
		1870,	33	6,391	...	6,424	3	14	408	332	619	1,466	317	2,489
		Difference, ...	+ 2	+ 2,912	...	+ 2,914	— 3	...	+ 108	+ *553		+ 672	+ 137	+ 1,393
7	AMBALA.	Ambála, ... 1869,	218	7,402	1	7,627	...		1,028	* 731		1,759	594	1,656
		1870,	299	9,154	2	9,455	...	224	1,330	51	871	2,476	883	2,132
8		Ludhiánn, ... 1869,	302	7,685	...	7,987	...		663	* 250		913	1,566	2,506
		1870,	112	8,697	...	8,809	1	85	619	24	200	929	1,366	3,221
9		Simla, ... 1869,	44	2,144	...	2,188	7		125	* 285		417	83	442
		1870,	41	2,985	1	3,027	..	67	304	54	464	889	41	636
		Total, ... 1869,	564	17,237	1	17,802	7	...	1,816	* 1,266		3,089	2,243	4,604
		1870,	452	20,836	3	21,291	1	376	2,253	129	1,535	4,294	2,290	5,989
		Difference, ...	— 112	+ 3,599	+ 2	+ 3,489	— 6	...	+ 437	+ *398		+ 1,205	+ 47	+ 1,385
10	JALANDHAR.	Jálandhar, ... 1869,	1,961	10,297	..	12,258	...	...	2,176	*1,653		3,829	252	3,431
		1870,	598	12,107	1	12,706	...	809	2,086	77	1,123	4,095	174	2,912
11		Húshiárpúr, ... 1869,	3,065	13,545	..	16,610	17		2,392	* 2,255		4,664	1,068	3,392
		1870,	1,429	16,708	...	18,137	2	69	2,507	62	1,709	4,349	1,217	4,396
12		Kángra, ... 1869,	406	5,467	188	6,061	3	...	757	* 498		1,258	347	1,262
		1870,	263	6,668	...	6,931	1	17	696	163	492	1,369	251	1,568
		Total, ... 1869,	5,432	29,309	188	34,929	20	..	5,325	*4,406		9,751	1,667	8,085
		1870,	2,290	35,483	1	37,774	3	895	5,289	302	3,324	9,813	1,642	8,876
		Difference, ...	— 3,142	+ 6,174	— 187	+ 2,845	— 17	..	— 36	— *780		+ 62	— 25	+ 791
13	AMRITSAR.	Amritsar, ... 1869,	2,160	11,456	8	13,619	455	..	2,220	* 205		2,880	1,814	3,021
		1870,	714	14,191	...	14,905	5	67	2,673	160	1,113	4,018	1,220	2,797
14		Syalkot, ... 1869,	424	11,910	1	12,344	46	...	2,093	* 2,029		4,168	94	3,957
		1870,	477	15,445	...	15,922	1	56	3,360	132	1,789	5,338	166	4,123
15		Gúrdaspúr, ... 1869,	462	7,963	25	8,450	8		1,665	* 123		1,796	956	1,317
		1870,	757	12,409	2	13,168	14	22	2,570	23	1,402	4,031	21	2,206
		Total, ... 1869,	3,046	31,338	29	34,413	509		5,978	* 2,357		8,844	2,864	8,298
		1870,	1,948	42,045	2	43,995	20	145	8,603	315	4,304	13,387	1,407	9,186
		Difference, ...	— 1,098	+ 10,707	— 27	+ 9,582	— 489	..	+ 2,625	+ 2,	262 *	+ 4 543	— 1,457	+ 888
16	LAHORE.	Lahore, ... 1869,	1,115	12,140	1	13,256	.	.	1,223	* 139		1,361	2,870	2,645
		1870,	872	13,769	...	14,641	.	134	1,758	136	1,220	3,250	1,356	2,677
17		Firozpúr, ... 1869,	278	6,159	...	6,437	11	..	742	* 256		1,009	601	1,737
		1870,	280	9,198	.	9,478	2	...	748	205	181	1,136	1,033	2,837
18		Gújránwála, .. 1869,	157	4,885	2	5,044	2	.	594	* 59		655	946	1,157
		1870,	285	6 056	..	6,341	3	...	673	31	25	732	984	1,831
		Total, ... 1869,	1,550	23,184	3	24,73.	13	...	2,558	* 454		3,025	4 417	5,539
		1870,	1,437	29,023		30,460	5	134	3,179	374	1,136	5,118	3 373	7,345
		Difference, ...	— 113	+ 5,839	— 3	+ 5,723	— 8	...	+ 621	+ 1,	316 *	+ 2,093	— 44	+ 1,806

* Figures marked with an asterisk denote that the particulars of columns 11 and 12 are lumped together.

I.

OF THE DISTRICTS OF THE PUNJAB DURING THE YEARS 1869 AND 1870.

16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
CASES PASSED.											AVERAGE NUMBER OF DAYS EACH CASE LASTED.						
out contest.			*With contest.*														
Decreed ex parte.	Dismissed ex parte.	Total.	For Plaintiff in whole or part.	For Defendant.	Total.	Referred to arbitration.	GRAND TOTAL DISPOSED OF.	Pending at end of year.	Over two months.	Over four month.	Contested.	Uncontested.	General average duration.	Number of witnesses who appeared without summons	Number of witnesses who appeared on summons, including parties summoned.	Number of miscellaneous cases disposed of.	Average number of hearings in each case.
* 330		2,824	1,179	464	1,643	151	5,891	163	13	.	27	12	17	...	...	...	3
537	14	4,082	1,745	460	2,205	131	7,675	377	21	2	13	9	10	5,004	14,710	4,551	3
* 65		1,076	412	116	528	63	1,853	42	...	...	22	11	15	..	...	...	4
59		905	350	198	548	*41	2,059	57	2	1	27	11	18	707	6,152	2,542	3
* 138		1,053	378	177	555	60	2,443	96	1	..	24	12	12	..	..	..	3
186		1,524	379	204	583	111	3,430	127	1	.	25	13	16	736	6,366	2,477	3
* 533		4,953	1,969	757	2,726	274	10,187	301	14	.	25	12	15	...	..	..	3
782	14	6,511	2,474	862	3,336	283	13,164	567	24	2	18	10	12	6,447	27,228	9,570	3
+*263		+ 1,558	+ 505	+ 105	+ 610	+9	+ 2,977	+ 260	+10	...	—7	—2	—3	...			
* 106		683	234	111	345	53	1,413	14			23	12	15				2
150		1,490	315	125	440	54	2,588	46		.	18	9	11	1,090	322	1,715	2
* 86		576	265	140	405	35	1,327	4	...	...	24	10	15		...		3
126		1,162	450	218	668	19	2,383	14	1	1	16	9	14	2,250	5,514	2,180	3
* 105		314	145	93	238	34	737	15	.	.	23	16	17	...	..	..	3
165	4	590	260	132	392	25	1,344	49	..	..	15	12	13	757	1,725	933	3
* 297		1,573	644	344	988	122	3,477	33	.	.	23	12	16	..	...	..	3
441	4	3,251	1,029	475	1,500	98	6,315	109	1	1	16	11	13	4,097	7,561	4,828	3
+*148		+ 1,678	+ 381	+ 131	+ 512	— 24	+ 2,838	+ 76	+1	..	—7	—1	—3	...		...	
* 521		2,771	1,767	799	2,566	232	7,328	299	8	.	25	14	18	..	...		3
568	11	3,594	1,767	943	2,710	333	9,113	342	5	4	24	14	18	5,065	18,108	6,797	3
* 280		4,352	1,552	790	2,342	268	7,875	112	3	.	20	13	15	.			3
273		4,860	1,746	871	2,617	136	8,542	267	2	1	19	13	14	5,039	16,869	4,328	3
* 361		886	698	120	818	26	2,147	41	5	...	12	12	12	..			2
398	11	1,086	761	158	919	57	2,851	70	1	.	15	17	16	321	4,036	1,925	2
* 1,162		8,009	4,017	1,709	5,726	526	17,350	452	10	...	16	21	13	...	...	...	3
1,239	22	9,540	4,274	1,972	6,246	526	20,606	685	8	5	20	14	16	11,025	39,313	13,050	3
+*99		+ 1,531	+ 257	+ 263	+ 520	...	+ 3,256	+ 233	—2	.	+4	—7	+3	...	...	.	
* 688		4,371	1,981	1,047	3,028	432	11,660	598	72	..	35	21	26	...	..		3
650	191	3,927	2,601	1,267	3,868	209	12,099	607	16	8	28	17	22	2,944	8,387	6,285	2
* 529		4,989	3,541	1,619	5,160	368	15,181	1429	413	.	25	17	20		...		3
662	22	6,297	4 879	1,747	6,126	876	17,148	989	4	3	33	17	25	4,621	33,960	6,917	3
* 284		1,873	1,735	781	2,516	151	5,798	268	6		34	23	29		..		4
292	6	2,117	2,049	884	2,933	161	6,580	351	5	1	27	26	26	2,382	13,650	3,035	4
* 1,481		11,233	7,257	3,447	10,704	951	32,639	2,290	491		30	20	24				3
1,604	219	12,341	9,029	3,898	12,927	746	35,827	1,947	25	12	30	19	25	9,947	55.997	16,237	3
+*342		+ 1,108	+ 1,772	+ 451	+ 2,223	—205	+ 3,188	— 343	—466	...	...	—1	+1	...	.	...	...
* 838		5,676	2 744	1,361	4,105	244	12 905	714	124	..	27	18	22				3
787	11	4,815	3,320	1,613	4 933	249	14,015	890	66	10	25	19	22	6,603	23,123	8,413	3
* 697		4,748	1,912	697	2,609	342	11,867	477	1	.	25	15	19				3
1,546	34	5,869	2.470	938	3 408	319	14,934	988	4	...	18	24	17	5,765	81,713	8,046	3
* 454		2,727	2,065	976	3,041	129	7,693	757	17	..	36	*28	33				3
644	12	2,943	3,593	1,518	5,111	176	12,261	907	9	...	23	15	23	15,238	7,901	4,403	4
* 1,989		13,151	6 721	3,034	9,755	715	32,465	1,948	142		29	19	23	...			3
2,977	57	13,627	9,383	4,069	13,452	744	41,210	2,785	79	10	24	18	21	27,606	40,737	20,882	3
+*1,045		+476	+2.662	+1,035	+3,697	+29	+8.745	+837	—63	...	—5	—1	—2			...	..
* 1,131		6,646	3,064	1,015	4,079	298	12,384	872	56	.	14	12	13			...	3
1,331	79	5,443	3,531	1,655	5,186	220	14 099	542	2	2	14	12	13	6,240	33,302	7,873	2
* 420		9,758	1,419	688	2,107	283	6,157	280	4		18	14	23				3
519	216	4,605	2,021	898	2,919	348	9,008	470	2	...	23	23	22	4,696	32,142	6,720	3
* 177		2,280	1,285	390	1,675	149	4,759	285	21	..	22	16	19				3
283		3,098	1,416	585	2,001	145	5,976	365	38	..	24	26	24	3,580	8,166	5,838	3
* 1,728		11,684	5,768	2,093	7,861	730	23,300	1,437	81	..	18	13	15	..			3
2,133	295	13,146	5,998	3,138	10,106	713	29,083	1,877	42	2	18	19	18	14,516	73,700	20,431	3
+*700		+ 1,462	+ 1,200	+1,045	+2,245	—17	+ 5,783	—60	—39	...	...	+6	+3		...	...	...

* Figures marked with an asterisk denote that the particulars of columns 16 and 17 are lumped together.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
			Number of Cases on the File.				Disposed of without Decree.							De-
Number.	Division.	District.	Pending from last year.	Instituted in 1870.	Received by transfer.	Total for disposal.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave, Section 97, Act VIII of 1859.	Adjusted by mutual agreement under Section 98 of Act VIII, of 1859.	Total.	Compromised.	With- Decreed on confession.
19	RAWAL PINDI.	Rawal Pindí, ... 1869,	173	6,720	1	6,894	3	...	680	*973		1,656	165	1,703
		1870,	83	8,663	...	8,746	1	64	917	286	848	2,116	118	2,299
20		Jehlam, ... 1869,	91	3,080	...	3,171	1	..	350	*267		618	278	431
		1870,	81	3,673		3,754	...	325	327	128	340	1,120	231	491
21		Gújrat, ... 1869,	143	4,303	...	4,446	1	...	464	*472		937	118	1,271
		1870,	95	5,278	...	5,373	...	3	611	449	59	1,121	175	1,654
22		Shahpur, ... 1869,	191	3,922	...	4,113	...	...	641	*109		730	839	968
		1870,	80	4,852	...	4,932	...	216	476	98	...	790	1,024	1,240
		Total, ... 1869,	598	18,025	1	18,624	5	...	2,135	*1,821		3,961	1,400	4,373
		1870,	339	22,466	...	22,805	1	608	2,331	960	1,247	5,147	1,548	5,684
		Difference, ...	— 259	+ 4,441	— 1	+ 5,181	— 4	...	+ 196	+ *386		+ 1,186	+ 148	+ 1,311
23	MULTAN.	Multan, ... 1869,	106	3,348	...	3,454	...	...	416	*314		730	369	877
		1870,	77	3,430	...	3,507	...	48	346	358	37	789	392	931
24		Jhang, ... 1869,	130	4,341	2	4,473	...	...	416	*976		1,392	903	786
		1870,	125	4,947	...	5,072	1	68	645	11	1,301	1,926	662	848
25		Montgomery, ... 1869,	50	2,812	...	2,862	1	...	306	*209		516	405	1,046
		1870,	30	3,490	...	3,520	1	16	287	9	763	1,076	1	982
26		Muzafargarh, ... 1869,	137	2,991	1	3,129	...	...	340	*280		620	477	1,183
		1870,	84	3,083	2	3,169	...	...	332		833	1,165	115	1,131
		Total, ... 1869,	423	13,492	3	13,918	1	...	1,478	*1,770		3,258	2,154	3,892
		1870,	316	14,950	2	15,268	2	132	1,610	378	2,834	4,956	1,170	3,892
		Difference, ...	— 107	+ 1,458	— 1	+ 1,350	+ 1 †	...	+ 132	+ 1,433 *		+ 1,698	— 984	...
27	DEHRAJAT.	Banu, ... 1869,	170	2,818	...	2,988	...	...	262	*376		638	301	234
		1870,	133	3,919	...	4,052	...	13	276	89	255	633	398	342
28		Dehra Ismael Khan, 1869,	147	4,744	...	4,891	...	...	585	*725		1,310	431	1,100
		1870,	97	5,251	...	5,348	...	36	669	3	750	1,458	403	1,064
29		Dehra Ghazi Khan, 1869,	115	4,395	...	4,510	34	...	472	*295		801	798	903
		1870,	74	4,707	...	4,781	5	14	415	90	55	539	1,284	1,364
		Total, ... 1869,	432	11,957	...	12,389	34	...	1,319	*1,396		2,749	1,530	2,237
		1870,	304	13,877	..	14,181	5	63	1,360	182	1,020	2,630	2,085	2,770
		Difference, ...	—128	+ 1,920	...	+ 1,792	—29	...	+ 41	—*194		—119	+ 555	+ 533
30	PESHAWAR.	Peshawar, ... 1869,	260	4,422	...	4,682	†148	...	501	*593		1,242	235	773
		1870,	66	4,878		4,944	...	54	448	83	390	975	457	1,018
31		Hazara, ... 1869,	106	1,276	..	1,382	1	...	162	*140		303	230	155
		1870,	201	1,185	...	1,386	...	2	221	91	18	332	170	139
32		Kohat, ... 1869,	10	731	...	741	...	...	57	*29		86	119	216
		1870,	13	1,048		1,061	...	6	75	17	1	99	118	315
		Total, ... 1869,	376	6,429	...	6,805	149	...	720	*702		1,631	584	1,144
		1870,	280	7,111	...	7,391	...	62	741	191	409	1,406	745	1,472
		Difference, ...	—96	+ 682	...	+ 586	— 149	...	+ 24	—*162		—225	+ 161	+ 328
		GRAND TOTAL, ... 1869,	12,795	164,595	225	177,615	745	...	22,305	*16,286		39,336	17,833	42,894
		1870,	7,700	205,606	8	213,314	44	2,621	26,866	3,413	18,307	51,251	15,879	52,116
		Difference, ...	—5,095	+ 41,011	—217	+ 35,699	—701	...	+ 4,561	+ 5,434 *		+ 21,915	—1,954	+ 9,222

† Transferred to the Settlement Department.

* Figures marked with an asterisk denote that the particulars of columns 11 and 12 are lumped together.

STATEMENT No. I.—*Concluded.*

16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
CREE PASSED.											AVERAGE NUMBER OF DAYS EACH CASE LASTED						
out contest.			*With contest.*														
Decreed ex parte.	Dismissed ex parte.	Total.	For Plaintiff in whole or part.	For Defendant.	Total.	Referred to arbitration.	GRAND TOTAL DISPOSED OF.	Pending at end of year.	Over two months.	Over four months.	Contested.	Uncontested.	General average duration.	Number of witnesses who appeared without summons.	Number of witnesses who appeared on summons, including parties summoned.	Number of miscellaneous cases disposed of.	Average number of hearings in each case.
*611		2,479	1,593	878	2,471	205	6,811	83	2	...	19	13	16	...	...	...	4
681	*1	3,099	2,038	990	3,028	260	8,503	243	3	...	26	21	21	4,090	12,655	3,608	3
*137		846	956	529	1,485	141	3,090	81	2	...	18	16	16	...	.	..	5
127	7	856	953	550	1,503	106	3,585	169	17	...	22	19	21	1,953	10 449	1,309	4
*129		1,518	1,154	549	1,703	193	4,351	95	1	...	12	16	14	.			3
96	31	1,956	1,112	539	1,651	250	4,978	395	10	...	16	13	19	268	13,096	2,140	3
*191		1,998	703	447	1.150	135	4,033	80	1	...	20	14	16		...		4
287	...	2,551	776	570	1,346	66	4,753	179	4	...	20	15	17	1,890	1,391	1,704	3
*1,068		6,841	4,406	2,403	6,809	674	18,285	839	6	.	17	14	15	..		.	4
1,191	39	8,462	4,879	2,640	7,528	682	21,819	986	34	.	19	20	20	8,201	38,191	8,767	3
+*162		+1,621	+473	+246	+719	+6	+3,524	+647	+28	...	+2	+6	+5	...	...	...	—1
*180		1,426	780	276	1,056	165	3,377	77	5	..	24	14	17	.	...		4
140	33	1,496	691	311	1,002	117	3,404	103	1	3	23	14	18	1,288	8,116	1,413	4
*264		1,058	507	288	795	208	4,348	125	1	...	26	15	17			...	4
254	1	1,765	694	429	1,123	91	4.995	167	...	...	22	13	16	2,222	7,210	2,709	4
*262		1,718	323	141	464	139	2,832	30	...		25	14	16	...		..	3
238	8	1,220	753	293	1,046	107	3,458	62	.	.	16	16	15	811	5,180	1,283	4
*93		1,753	307	226	533	130	3,045	84		...	20	16	19		..	..	3
115	.	1,361	269	191	460	110	3,096	78	...	...	35	19	36	340	5,455	1,347	3
*799		6.845	1,917	931	2,848	681	13,602	316	6	...	25	15	17	..		...	4
747	42	5,851	2,407	1,224	3,631	425	14,863	405	1	3	22	19	20	4,061	25,761	6,842	4
—*10		—994	+490	+293	+782	—226	+1261	+89	—5	...	—3	+4	+3	...	...	...	...
*48		583	1,001	512	1,513	121	2,855	133	34	...	16	13	15	..		...	5
86	16	842	1,418	717	2,135	197	3,807	245	5	1	13	16	14	199	10,510	1,866	5
*266		1,797	1,073	444	1,517	170	4,794	97	8	..	23	13	19	.	...	..	3
260	2	1,729	1,313	525	1,838	151	5,176	172	21	1	17	12	16	235	9,415	1,961	3
*186		1,837	1,104	514	1,618	180	4,436	74	2	...	21	16	19	...	...	..	3
116	..	2,764	784	375	1,159	169	4,631	150	84	..	21	15	16	...	18,358	1,358	3
*450		4,217	3,178	1,470	4,648	471	12,085	304	44	...	20	14	18			...	4
462	18	5,835	3,515	1,617	5,132	517	13,614	567	110	2	16	14	15	434	33,283	5,185	4
+*30		+1,118	+337	+147	+484	+46	+1,529	+263	+66	...	—4	.	—3	...	...	...	...
*347		1,355	1,390	557	1,947	72	4,616	66	1	.	17	10	14	...	...	...	3
469	62	2,006	1,241	558	1,799	93	4,873	71	1	...	15	11	13	1,325	9,203	2,831	2
*60		445	236	85	321	112	1,181	201	149	..	37	16	22	..	..	..	6
45	...	354	433	150	583	27	1,296	90	13	1	58	43	60	..	3,272	617	7
*16		351	154	118	272	19	728	13	...	...	10	10	11	..	...	.	1
29	7	469	232	210	442	34	1,044	17	5	...	10	14	13	176	1,689	388	1
*423		2,151	1,780	760	2,540	203	6,525	280	150	..	19	11	15	...	...	.	3
543	69	2,829	1,906	918	2,824	154	7,213	178	19	1	24	21	22	1,501	14,164	3,836	3
+*189		+678	+126	+158	+284	—49	+688	—102	—131	...	+5	+10	+7	...	...	...	...
*9,930		70,657	37,657	16,948	54,605	5,317	169,915	7,700	944	.	23	15	19	...	...	...	3
12,119	779	80,893	45,860	20,822	66,682	4,888	203,714	9,600	343	39	22	17	19	88,435	365,135	109,028	3
+2,968*		+10,236	+8,203	+3,874	+12,077	—429	+33,799	+1,900	—601	...	—1	+2	...	...	...	...	...

* Figures marked with an asterisk denote that the particulars of columns 16 and 17 are lumped together.

APPENDIX No. II.

STATEMENT OF ALL CASES PENDING, INSTITUTED, DECIDED, AND REMAINING FOR TRIAL, IN THE DISTRICT SMALL CAUSE COURTS OF THE PUNJAB, DURING THE YEARS 1869 AND 1870.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
	Number of cases on file.			Disposed of without decree.					Decree passed.													Average duration of each case.						
									Without contest.					With contest.														
COURT.	Pending from last year.	Instituted during the year.	Total.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave, Section 97, Act VIII of 1859.	Adjusted by mutual agreement, Section 98, Act VIII of 1859.	Total.	Compromised.	Decreed on confession.	Decreed exparte.	Dismissed exparte.	Total.	Judgment for Plaintiff in whole or part.	Judgment for Defendant.	Total.	Referred to Arbitration.	Grand Total disposed of.	Pending at end of year.	Pending over two months.	Date of oldest case pending.	Contested.	Uncontested.	General average duration.	Number of witnesses who appeared without summons.	Number of witnesses who appeared on summons, including parties summoned.	Number of Miscellaneous cases disposed of.	Number of retrials during the year.
Dihlí, ... 1869,	63	3,725	3,788	...	101	766		867	217	1,454	171		1,842	762	211	973	50	3,732	56	...	10th Novr.	5	3	4	...	...	...	92
1870,	56	4,966	5,022	23	227	249	456	955	548	1,536	261	5	2,350	1,237	223	1,460	74	4,839	183	...	4th Novr.	5	3	4	1,322	8,837	2,256	107
Ludhiána, ... 1869,	196	3,565	3,761	...	214	32		246	974	1,180	182		2,936	652	337	989	178	3,749	12	...	2nd Decr.	15	13	13	...	...	...	97
1870,	12	3,740	3,752	70	234	4	20	328	646	1,448	147	...	2,241	672	359	1,031	55	3,655	97	...	6th Decr.	16	12	13	995	6,185	1,787	86
Simla, ... 1869,	2	1,409	1,411	...	67	239		306	...	305	230		535	496	64	560	8	1,409	2	1	22nd June.	8	9	9	...	...	...	11
1870,	2	1,566	1,568	39	86	21	236	382	17	462	219	4	702	390	87	477	5	1,566	2	...	9th Decr.	13	11	11	88	1,743	1,238	9
Jálandhar, ... 1869,	836	2,317	3,153	...	641	477		1,118	104	802	199		1,105	446	503	849	17	3,089	64	...	15th Decr.	33	11	21	...	...	...	15
1870,	64	2,598	2,662	22	558	2	168	750	76	745	90	38	949	577	326	903	1	2,603	59	...	18th Novr.	16	9	12	280	7,248	1,723	50
Húshiárpúr, ... 1869,	178	3,894	4,072	...	249	797		1,046	125	1,117	239		1,481	949	473	1,422	55	4,004	68	...	29th Novr.	11	7	9	...	...	...	174
1870,	68	4,033	4,101	45	336	2	534	917	112	1,343	261	...	1,716	947	336	1,283	54	3,970	131	...	29th Novr.	13	10	14	540	10,475	2,075	168
Amritsar, ... 1869,	235	4,807	5,042	...	490	...	...	490	934	1,600	318		2,852	1,014	559	1,573	13	4,928	114	...	14th Decr.	11	8	9	...	...	...	41
1870,	114	5,962	6,076	52	1,013	23	533	1,621	934	1,274	267	...	2,475	1,172	708	1,880	4	5,980	96	...	13th Decr.	14	10	12	319	2,507	2,909	62
Lahore, ... 1869,	702	4,724	5,426	...	313	12		325	1,503	1,854	586		3,443	1,130	437	1,567	18	5,353	73	...	18th Decr.	9	9	9	...	...	...	73
1870,	73	5,889	5,962	102	698	12	874	1,686	412	1,033	700	52	2,197	1,237	573	1,810	7	5,700	262	...	6th Decr.	7	7	8	1,401	9,518	2,845	40
Pesháwar, ... 1869,	37	1,674	1,711	...	110	401		511	10	403	83		496	508	162	670	17	1,694	17	..	2nd Decr.	13	11	12	...	...	...	26
1870,	17	1,874	1,891	23	81	34	297	435	77	471	120	42	710	531	200	731	10	1,886	5	...	28th Novr.	8	5	7	494	3,547	1,134	43
Total, ... 1869,	2,249	26,115	28,364	...	2,185	2,724		4,909	3,867	8,215	2,008		14,090	5,957	2,646	8,603	356	27,958	406	1	...	12	7	9	...	...	...	329
1870,	406	30,628	31,034	376	3,233	347	3,118	7,074	2,822	8,312	2,065	141	13,340	6,763	2,812	9,575	210	30,199	835	...	...	11	9	10	5,439	50,010	15,967	565

APPENDIX No. III.

STATEMENT OF ALL CASES PENDING, INSTITUTED, DECIDED, AND REMAINING FOR TRIAL, IN THE CANTONMENT SMALL CAUSE COURTS OF THE PUNJAB, DURING THE YEARS 1869 AND 1870.

1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
COURT.		Number of cases on file.			Disposed of without decree.					Decree passed.												Average duration of each case					
										Without contest.					With contest.												
		Pending from last year.	Instituted during the year.	Total.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave, Section 97, Act VIII of 1859.	Adjusted by mutual agreement, Section 98, Act VIII of 1859.	Total.	Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	Total.	Judgment for Plaintiff in whole or part.	Judgment for Defendant.	Total.	Referred to arbitration.	Grand total disposed of.	Pending at end of year.	Pending over two months.	Contested.	Uncontested.	General average duration.	Number of witnesses who appeared without summons.	Number of witnesses who appeared on summons, including parties summoned.	Number of Miscellaneous cases disposed of.
Ambala, ...	1869,	5	1,203	1,208	*31	137	141		309	69	295	127		491	281	105	386	20	1,206	2	...	5	4	5	...	..	675
	1870,	2	987	989	7	215	...	84	306	22	137	122	...	281	216	143	359	38	984	5	...	9	10	9	111	1,020	542
Jalandhar, ...	1869,	3	493	496	...	31	82		113	7	156	54		217	94	36	130	31	491	5	...	7	5	6	...	...	243
	1870,	5	430	435	3	31	...	53	87	5	152	42	2	201	88	35	123	23	434	1	...	5	3	4	65	40	233
Syalkot, ...	1869,	..	1,009	1,009	*9	81	90		180	6	483	110		599	165	56	221	5	1,005	4	...	7	4	5	...	...	457
	1870,	4	749	753	1	71	19	60	151	1	338	91	...	430	135	24	159	2	742	11	...	6	10	7	82	149	244
Mian Mir, ...	1869,	...	1,180	1,180	...	70	...	...	70	82	182	159		423	552	65	617	70	1,180	...	...	4	4	6	..	...	723
	1870,	...	1,171	1,171	4	92	...	...	96	127	425	217	...	769	238	30	268	37	1,170	1	...	4	4	3	291	1,031	663
Firozpur, ...	1869,	8	883	891	...	21	54		75	32	323	212		567	129	103	232	17	891	...	...	3	2	3	...	...	426
	1870,	...	948	948	...	34	44	30	108	45	480	43	...	568	142	79	221	50	947	1	...	6	4	4	161	1,124	447
Rawal Pindi, ...	1869,	4	1,404	1,408	...	57	115		172	...	736	158		894	98	152	250	92	1,408	...	...	8	6	7	...	...	554
	1870,	...	1,400	1,400	5	95	...	80	180	...	670	182	...	852	*81	146	227	106	1,365	35	...	12	9	11	...	1,065	515
Multan, ...	1869,	5	778	783	...	131	7		138	65	312	77		454	102	31	133	37	762	21	...	6	5	5	...	...	381
	1870,	21	546	567	7	41	2	...	50	66	203	56	13	338	105	55	160	16	564	3	...	5	5	5	33	598	340
Peshawar, ...	1869,	4	818	822	*1	76	86		163	...	241	195		436	142	58	200	4	803	19	...	7	5	6	...	...	333
	1870,	19	715	734	6	50	...	66	122	...	223	152	4	379	128	81	209	7	717	17	...	6	6	6	...	838	396
TOTAL, ...	1869,	29	7 768	7.797	*41	604	575		1,220	261	2,728	1,092		4,081	1,563	606	2,169	276	7,746	51	...	6	4	5	..		3,792
	1870,	51	6.946	6,997	33	629	65	373	1,100	266	2,628	905	19	3,818	1,133	593	1,726	279	6,923	74	...	8	6	7	743	6,165	3.380

* These were transferred.

No. 6.

NUMBER AND DESCRIPTION OF CIVIL SUITS DISPOSED OF IN 1870.

IMPERIAL RETURN. No.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF ORIGINAL

DURING THE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			MONEY DUE.									SUITS FOR DAMAGES.				
Number.	DIVISION.	DISTRICT.	On written promise for sum certain.		On unwritten promise for sum certain.	On account stated.	For money paid or received.	For goods sold and delivered.	For breaches of contract not included in the above.	Suits for rent, other than of land.	Recovery of personal property, or value thereof.	For injuries to the person.	For injuries to property.	For defamation.	For other injuries not included in above.	Suits to compel specific performance of contracts.
			Registered.	Unregistered.												
1	DIHLI.	Dilhí, ...	291	2,053	844	1,774	445	572	213	276	264	6	73	1	40	3
2		Gúrgáon, ...	214	157	620	389	...	...	1	37	58	...	5	...	8	6
3		Kurnál, ...	245	585	411	1,302	2	7	12	37	185	22	14	9	12	19
		Total, ...	750	2,795	1,875	3,465	447	579	226	350	507	28	92	10	60	28
4	HISSAR.	Hissár, ...	172	309	556	914	1	...	6	33	122	8	3	11	21	...
5		Rohtak, ...	207	519	300	746	...	...	...	14	39	8	4	1	5	...
6		Sirsa, ...	47	80	244	501	2	2	...	2	127	2	...	...	1	...
		Total, ...	426	908	1,100	2,161	3	2	6	49	288	18	7	12	27	...
7	AMBALA.	Ambála, ...	444	1,448	1,457	2,206	14	66	52	155	650	52	89	3	23	82
8		Ludhiána, ...	526	2,656	1,308	966	1	779	6	98	721	8	62	10	27	1
9		Simla, ...	62	360	376	925	63	492	234	149	108	8	14	2	42	60
		Total, ...	1,032	4,464	3,141	4,097	78	1,337	292	402	1,479	68	165	15	92	143
10	JALANDHAR.	Jálandhar, ...	788	4,453	2,040	912	271	168	33	100	881	2	65	4	22	...
11		Húshyárpúr, ...	1,502	4,599	2,601	714	49	122	42	177	1,140	24	298	15	118	...
12		Kángra, ...	171	1,466	1,344	713	4	72	33	51	581	5	324	82	41	54
		Total, ...	2,461	13,518	5,985	2,339	324	362	108	328	2,602	31	687	101	181	54
13	AMRITSAR.	Amritsar, ...	782	3,611	455	2,042	2,879	432	12	128	653	...	54	113	159	7
14		Gúrdáspúr, ...	477	3,305	2,760	629	7	7	52	39	132	13	2	9	80	45
15		Syalkot, ...	889	5,218	3,335	2,851	15	...	89	112	165	6	18	116	9	21
		Total, ...	2,148	12,134	6,550	5,522	2,901	439	153	279	950	19	74	238	248	73
16	LAHORE.	Lahore, ...	664	3,900	2,332	2,112	505	1,510	146	228	466	15	29	18	29	19
17		Firozpur, ...	333	644	3,237	1,718	49	431	21	65	149	37	14	21	6	8
18		Gújránwála, ...	528	366	207	1,674	215	78	84	171	274	...	83	181	61	61
		Total, ...	1,525	4,910	5,776	5,504	769	2,019	251	464	829	52	126	220	96	88
19	RAWUL PINDI.	Rawul Pindi, ...	191	1,461	1,826	1,361	104	542	134	153	707	33	27	21	11	122
20		Jehlam, ...	104	441	347	697	11	22	4	15	266	8	17	22	...	1
21		Gújrát, ...	569	1,366	1,126	629	...	...	...	72	88	...	13	70	...	...
22		Shahpúr, ...	60	1,389	450	1,527	...	...	...	9	377	...	5	...	19	...
		Total, ...	924	4,657	3,749	4,214	115	564	138	249	1,438	41	62	113	30	123
23	MULTAN.	Múltán, ...	97	568	737	1,250	...	...	4	1	128	...	...	...	3	...
24		Jhang, ...	53	763	701	2,265	8	9	1	14	316	...	...	...	11	...
25		Montgomery, ...	69	471	529	1,914	...	82	...	8	260	...	1	11	...	...
26		Muzafargarh, ...	56	1,245	337	593	...	22	4	23	175	...	27	8	2	3
		Total, ...	275	3,047	2,304	6,022	8	113	19	46	877	...	28	19	16	3
27	DEHRA-JAT.	Banú, ...	128	725	669	418	2	55	...	21	130	11	22	54	...	...
28		Dehra Ismail Khan, ...	83	1,741	828	710	26	102	16	81	514	28	41	18	13	4
29		Dehra Gházi Khan, ...	64	999	960	1,271	...	...	...	31	200	...	52	13	...	...
		Total, ...	275	3,465	2,457	2,399	28	157	16	133	844	39	115	85	13	4
30	PESHAWAR.	Pesháwár, ...	148	1,249	767	600	113	458	226	181	433	6	24	4	23	10
31		Hazára, ...	3	245	324	569	5	...	...	14	34	...	12	3	...	...
32		Kohat, ...	32	135	158	108	...	...	...	12	327	...	28	2	...	...
		Total, ...	183	1,629	1,249	1,277	118	458	226	207	794	6	64	9	23	10
		GRAND TOTAL, ...	9,999	51,527	34,186	37,000	4,791	6,030	1,425	2,507	10,608	302	1,420	822	786	526

CIVIL SUITS DISPOSED OF BY THE CIVIL COURTS OF THE PUNJAB, YEAR 1870.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
					SUITS RELATING TO MARRIAGE, DOWER AND DIVORCE.							CLAIM TO INHERITANCE.							
												UNDER MAHOMEDAN LAW.		UNDER HINDOO LAW.		UNDER ANY OTHER LAW.			
Suits to set aside contracts and obligations on account of fraud, mistake, or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.	Suits to settle partnership and other accounts.	Suits connected with religion and caste.	Suits relating to administration of trusts and religious endowments.	Suits connected with betrothal.	Suits for custody of wives.	Other suits.	Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to declare or establish personal rights.	Suits to establish or contest wills.	Land only.	Other property.	Land only.	Other property.	Land only.	Other property.	Suits to establish or contest the acts of Hindoo widows.	Suits relating to the revenue.
4	3	15	...	...	...	31	11	1	...	...	...	8	5	...	2	...	...	3	111
...	...	6	...	...	3	...	...	...	...	...	...	3	...	1	...	39	29	...	26
1	1	3	1	...	18	1	4	...	...	4	2	2	2	6	1	...	2	1	77
5	4	24	1	...	21	32	15	1	...	4	2	13	7	7	3	39	31	4	214
...	2	9	...	...	22	3	5	...	...	7	...	...	...	...	...	35	7	...	14
...	...	1	...	...	12	25	...	...	...	5	...	2	1	...	...	...	...	...	...
...	1	8	...	...	22	6	...	...	1	7	...	1	...	...	2	2	...	...	71
...	3	18	...	...	56	34	5	...	1	19	...	3	1	...	2	37	7	...	85
10	1	32	1	1	42	28	17	2	2	20	...	17	2	30	15	18	6	5	329
2	15	7	...	3	99	35	20	8	5	19	...	2	1	21	1	...	...	...	372
...	7	6	1	...	1	2	...	...	...	...	...	...	...	...	1	...	...	...	25
12	23	45	2	4	142	65	37	10	7	39	...	19	3	51	17	18	6	5	726
22	...	11	...	3	118	47	4	6	1	2	...	15	4	7	4	...	...	2	209
15	2	19	...	3	96	14	14	...	...	1	...	...	...	...	...	181	50	...	675
3	...	53	3	...	129	26	34	...	...	34	...	...	...	76	6	323	8	...	29
40	2	83	3	6	343	87	52	6	1	37	...	15	4	83	10	504	58	2	913
...	...	28	...	2	210	122	39	...	...	3	...	1	13	5	25	229	...	...	533
2	3	9	...	2	127	3	25	...	1	5	...	...	2	...	5	517	96	...	276
...	...	56	...	...	251	105	7	2	1	...	...	...	...	...	1	106	...	...	77
2	3	93	...	4	588	230	71	2	2	8	...	1	15	5	31	852	96	...	886
29	1	37	...	...	98	19	16	...	...	21	4	37	3	16	2	44	4	...	128
6	...	369	...	...	162	41	5	...	4	...	...	...	...	129	294	314	593	...	64
5	...	66	12	17	321	68	28	...	...	...	...	...	...	...	...	150	148	29	360
40	1	412	12	17	581	128	49	...	4	21	4	37	3	145	296	508	745	29	552
6	...	7	...	11	98	84	23	...	2	1	...	3	...	...	2	...	...	...	732
1	1	12	...	...	57	49	11	...	...	...	...	...	...	...	...	294	95	...	70
...	...	...	...	...	63	50	2	...	...	...	...	18	...	...	74	156	69	1	
4	...	...	...	...	44	28	1	...	...	...	...	...	...	...	...	...	...	...	...
11	1	19	...	11	263	211	42	...	2	1	...	21	...	...	76	450	164	1	802
...	...	1	...	...	6	23	...	...	...	...	...	2	2	...	2	...	...	...	...
...	...	4	...	...	28	20	2	...	...	...	...	1	...	...	...	...	...	...	75
...	...	...	...	...	...	16	2	...	...	...	...	1	1	1	...	...	1	...	...
1	...	16	...	...	27	14	3	...	...	...	...	5	4	...	2	...	...	...	11
1	...	21	...	...	71	72	7	...	...	...	...	9	7	1	4	...	1	...	86
...	...	7	...	1	22	90	17	...	...	...	...	46	8	...	1	15	2	...	211
4	2	15	...	1	29	67	15	5	2	2	...	23	18	2	9	7	1	...	16
...	...	17	...	...	27	40	15	...	...	...	...	7	7	1	1	...	...	...	489
4	2	39	...	2	78	197	47	5	2	2	...	76	33	3	11	22	3	...	716
...	...	20	...	9	21	91	48	...	3	...	3	...	25	...	1	...	2	...	71
...	...	10	...	...	29	35	11	...	...	...	...	...	...	...	...	...	...	...	...
...	...	1	...	...	10	20	3	...	1	...	...	2	6	...	...	...	...	...	...
...	...	31	...	9	60	146	62	...	4	...	3	2	31	...	1	...	2	...	71
115	39	785	18	53	2,202	1,202	387	24	23	131	9	196	104	295	451	2,430	1,113	41	5,051

Number.	DIVISION.	DISTRICT.	38 Suits relating to Mortgage of Immovable Property. Land only.	39 Suits relating to Mortgage of Immovable Property. Other property.	40 Claims in Right of Pre-emption. Land only.	41 Claims in Right of Pre-emption. Other property.	42 Suits regarding the relative right of superior and inferior holders of land (other than rent suits).	43 Suits for Partition of Immovable Property. Land only.	44 Suits for Partition of Immovable Property. Other property.	45 Suits regarding boundaries.	46 Suits for, or relating to, real property, not included in the foregoing.	47 RENT SUITS, NOT BEING PANJAB TENANCY. Suits to recover arrears of rent from tenants without right of occupancy.	48 RENT SUITS, NOT BEING PANJAB TENANCY. Suits to recover arrears of rent from tenants with right of occupancy.	49 RENT SUITS, NOT BEING PANJAB TENANCY. Suits regarding illegal exaction, duress, distraint, or demand.	50 RENT SUITS, NOT BEING PANJAB TENANCY. Suits regarding accounts, &c., by or against agent, &c.
1	DILHI.	Dilhi, ...	34	15	9	5	...	21	10	2	114	256	...	...	...
2		Gúrgáon, ...	5	2	5	7	...	10	4	...	18	176	...	...	...
3		Kurnál, ...	21	15	5	7	35	13	5	...	108	158	11	...	...
		Total, ...	60	32	19	19	35	44	19	2	240	590	11	...	...
4	HISSAR.	Hissár, ...	2	40	8	...	23	1	6	...	49	85	20	65	1
5		Rohtak, ...	5	6	3	3	95	4	3	...	151	110	65	13	...
6		Sirsa, ...	6	...	2	...	3	...	1	...	93	40	43	...	...
		Total, ...	13	46	13	3	121	5	10	...	293	235	128	78	1
7	AMBALA.	Ambála, ...	110	33	72	16	197	95	33	10	488	92	61	2	...
8		Ludhiána, ...	78	10	33	14	17	62	15	25	339	91	4	1	...
9		Simla, ...	...	7	...	..	...	2	...	.	4	...	...	...	...
		Total, ...	188	50	105	30	214	159	48	35	831	183	65	3	...
10	JALANDHAR.	Jálandhar, ...	230	27	97	26	7	215	26	44	855	156	49	8	...
11		Húshyárpúr, ...	325	119	63	46	118	26	7	47	145	.	...	...	...
12		Kángra, ...	42	2	39	..	28	20	15	...	258	90	340	...	...
		Total, ...	597	148	199	72	153	261	48	91	1,258	246	389	8	...
13	AMRITSAR.	Amritsar, ...	44	64	49	26	25	6	10	40	679	157	51	11	...
14		Gúrdaspúr, ..	783	123	27	3	302	7	9	17	10	130	3	197	7
15		Syalkot, ...	115	98	97	87	36	127	...	...	...	117	119	...	...
		Total, ...	942	285	173	116	363	140	19	57	689	404	173	208	7
16	LAHORE.	Lahore, ...	30	38	46	10	49	116	6	...	483	76	88	6	...
17		Firozpúr, ...	60	12	3	4	58	21	31	...	...	30	5	...	...
18		Gújránwála, ...	101	89	76	57	...	93	79	45	86	105	...	7	8
		Total, ...	200	139	125	71	102	230	116	45	569	191	93	13	8
19	RAWUL PINDI.	Ráwul Pindí, ...	11	6	25	6	10	1	6	29	145	265	230	7	1
20		Jehlam, ...	18	9	11	4	92	6	8	21	174	106	82	12	...
21		Gújrat, ...	38	24	41	7	12	19	1	...	60	172	...	25	...
22		Sháhpúr, ...	16	27	12	...	...	...	...	..	443	...	1	...	...
		Total, ...	83	66	89	17	114	26	15	50	822	543	313	44	1
23	MULTAN.	Múltán, ...	...	2	11	...	136	294	124	...	...	...	4	...	...
24		Jhung, ...	48	3	29	...	...	...	..	2	264	22	...	...	...
25		Montgomery, ...	..	...	..	...	...	1	1	...	.	17	...	...	...
26		Muzafargarh, ...	16	5	11	1	10	3	...	2	137	258	68	4	1
		Total, ...	64	10	51	1	146	298	125	4	401	297	72	4	1
27	DEHRAJAT.	Banú, ...	378	54	63	5	90	126	31	...	100	100	14	...	...
28		Dehra Ismail Khan, ...	256	64	27	...	310	5	4	...	87	...	...	...	...
29		Dehra Ghází Khan, ...	81	2	41	..	...	14	...	10	280	...	...	...	...
		Total, ...	715	120	131	5	400	145	35	10	467	100	14	...	...
30	PESHAWAR.	Peshawur, ...	...	30	...	10	...	...	45	...	126	64	...	44	...
31		Hazára, ..	...	...	...	...	...	...	2	...	.	...	...	...	...
32		Kohat, ...	17	2	3	1	...	...	...	...	73	35	...	...	..
		Total, ...	17	32	3	11	...	...	47	...	199	99	...	44	...
		GRAND TOTAL, ...	2,879	928	908	345	1,648	1,308	482	294	5,709	2,858	1,258	402	18

Continued.

51	52	53	54	55	56	57	58	59	60	61	62	63	64	65
SUITS UNDER ACT		SUITS UNDER THE PANJAB TENANCY ACT.												
Suits to resume or assess land held exempt from revenue or rent	Suits not included in Columns 47 to 51 not being suits under the Panjab Tenancy Act	Suits under Section 5 by tenants for right of occupancy	Suits to establish right of occupancy under Sec 8, on other grounds than those mentioned in the previous Sections of the Act.	Suits under Section 6 by landlords for rebuttal of presumptive right of occupancy	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement of rent.	Suits for arrears of rent, where remission is allowed under Section 15	Suits under Section 18 to set aside award of division and appraisement of produce taken for rent	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy. (Sec 19, clause 1)	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec 19, Clause 2)	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy	Suits under Section 25 by tenants to contest notice of ejectment	Suits under Section 26 by tenants on account of illegal ejectment	TOTAL.
..	89	43	...	...	...	.	...	..	..	...	26	...	...	7,673
..	57	2	...	..	...	..	...	...	.. 1		229 3	... ..	... ..	2,058 3,429
..	146	45	...			...		.	1	.	258		...	13 160
.	8	4	5	1	...	...	..	...	7	2	1		...	2 588
	2	8	..	...	...		...	...	4	..	12		9	2,382
	10		.	.				. .	..	...	.	10	5	1,342
.	20	12	5	1		.	...		11	2	13	10	14	6,312
26	250	10	5	6	...	...	...	19	...		44	...	1	8,889
		8	...	...			...	16	7	5	32	...	5	8,541
.				.				.		...	...		...	2,951
26	250	18	5	6	..	...	..	35	7	5	76	.	6	20 381
	...	121	2	14	. .	..	...	.	2	..	35	3	18	12,099
..	..	98	..	28	...	..	.	446	...	...	181	...	26	17,146
9	27	10	1		2		..		10	...	12	2	7	6,579
9	27	229	3	42	2	..		446	12		228	5	51	35,824
...	..	115	...	147	14	28	.	.		...	2	...	5	14,010
7		5	...	925	24	38	.A	...			...	...	.	12,247
.		487	...	185	15	.	...	...	...	...	...	...	.	14,933
7		607		1,257	53	66	..	...	...	...	2	.	5	41,190
..	303	32	12	55	21	114	42	..	1	...	165	...	39	14,099
.	..		11	5	23				2	95	..	1	2	9,006
	40			...	..				...	...	...	.	.	5,978
..	343	32	23	60	44	114	42	.	3	95	165	1	41	29,078
...	..	30	3	25	3	...	.	2	...		25	4	1	8,502
.	54	43	24	4	..	...	...	...	2	2	39	.	4	3 260
.	24	184	...	...	..	5	...			..	...	...	...	4,978
	336	2		3	...	.		.	...	..		..		4 753
.	414	259	27	32	3	5	..	2	2	2	64	4	5	21,493
...	.	12	...		...	...	..			...		...	...	3 404
...	255	1	..	..	...	...	..		...	...	...			4 905
	63	.	.		..	...		8		..	1	.	...	3 458
	2			..	...	...	...					..	..	3,096
...	320	13					...	8	..	...	1		..	14,863
61	125	...	1	...	..	...	...	2	...		1	1		3 807
	..	...	...	...	.	...			.	...	...	.	.	5,176
.	.	..	.			...		...			4		.	4 626
61	125		1	..		.		2	..		5	1		13 609
18	...	..	...		...	...		...	...	.		...	...	4,873
.			...	...	..		...	...	.			...		1 296
..			.	...	..			...	65	...	...	..		1,041
18		..			..				65					7,210
121	1,645	1,215	64	1,398	102	185	42	493	101	104	812	21	122	203,120

COURTS.	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	MONEY DUE.									SUITS FOR DAMAGES				
	ON WRITTEN PROMISE FOR SUM CERTAIN.													
	Registered.	Unregistered.	On unwritten promise for sum certain.	On account stated.	For money paid or received.	For goods sold and delivered.	For breaches of contract not included in the above.	Suits for rent, other than of land.	Recovery of personal property, or value thereof.	For injuries to the person.	For injuries to property.	For defamation.	For other injuries not included in above.	Suits to compel specific performance of contracts.
Small Cause Courts, ...	1,412	13,399	5,872	5,723	2,928	4,465	875	881	1,311	42	116	...	84	1
Unpaid Local Tribunals.—*Honorary Civil Judges*, ...	389	2,694	2,081	2,033	299	76	32	7	554	9	147	107	76	64
Paid Sub-divisional Tribunals.—*Tehsildars and Naib-Tehsildars*, ...	4,040	24,960	19,306	20,657	1,283	954	315	962	6,059	133	679	369	364	156
District Courts, other than Chief Courts of Districts.—*Assistant and Extra Assistant Commissioners*, ...	4,028	10,337	6,819	8,406	331	581	201	649	2,053	115	478	340	261	304
Chief Courts of Districts.—*Deputy Commissioners*, ...	130	137	108	181	...	4	2	8	51	3	...	6	1	1
Superior Court of general jurisdiction.—*(Chief Court)*	...	...	...	...	...	...	...	...	...	...	...	1	...	1
TOTAL, ...	9,999	51,527	34,186	37,000	4,791	6,030	1,425	2,507	10,608	302	1,420	823	786	527

Continued.

18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
					SUITS RELATING TO MARRIAGE, DOWER AND DIVORCE.							CLAIM TO INHERITANCE.							
												Under Mahomedan Law.		Under Hindoo Law.		Under any other Law.			
Suits to set aside contracts and obligations on account of fraud, mistake, or accident.	Suits to compel or prevent particular acts by way of *mandamus* or injunction.	Suits to settle partnership and other accounts.	Suits connected with religion and caste.	Suits relating to administration of trusts and religious endowments.	Suits connected with betrothal.	Suits for custody of wives.	Other suits.	Suits to establish or dispute adoption.	Suits regarding custody and guardianship of infants and lunatics.	Other suits to declare or establish personal rights.	Suits to establish or contest wills.	Land only.	Other property.	Land only.	Other property.	Land only.	Other property.	Suits to establish or contest the acts of Hindoo widows.	Suits relating to the revenue.
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2	5	24	...	5	136	85	14	5	2	12	...	15	10	17	9	100	22	7	155
16	21	502	3	13	862	262	204	...	6	44	...	98	34	217	375	951	737	19	3,858
96	13	256	15	35	1,247	814	163	19	14	70	7	79	56	16	64	1,368	351	15	1,007
1	...	3	...	...	17	41	6	...	1	5	2	4	4	...	3	11	3	...	31
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
115	39	785	18	53	2,202	1,202	387	24	23	131	9	196	104	295	451	2,430	1,113	41	5,051

COURTS.	38	39	40	41	42	43	44	45	46	47	48	49	50
	Suits relating to Mortgage of Immovable Property		Claims in Right of Pre-emption		Suits regarding the relative right of superior and inferior holders of land (other than rent suits).	Suits for Partition of Immovable Property		Suits regarding boundaries.	Suits for, or relating to, real property, not included in the foregoing	Rent Suits, not being Panjab Tenancy			
	Land only.	Other property	Land only.	Other property.		Land only.	Other property.			Suits to recover arrears of rent from tenants without right of occupancy.	Suits to recover arrears of rent from tenants with right of occupancy	Suits regarding illegal exaction, duress, distraint, or demand	Suits regarding accounts, &c., by or against agents, &c.
Small Cause Courts, ...	...	...	...	...	...	...	...	...	...		...	...	...
Unpaid Local Tribunals.—*Honorary Civil Judges*, ...	78	55	18	25	35	9	18	1	206	93	16	1	...
Paid Sub-divisional Tribunals.—*Tehsildars and Naib Tehsildars*, ...	814	451	389	148	1,213	720	257	124	3,683	2,262	1,038	345	10
District Courts other than Chief Courts of Districts.—*Assistant and Extra Assistant Commissioners*,	1,071	416	491	168	399	579	199	168	1,823	494	204	55	8
Chief Courts of Districts.—*Deputy Commissioners*, ...	16	6	10	4	1		8	1	57	9	...	1	...
Superior Court of general jurisdiction.—(*Chief Court.*)	...	...	...				...	...		...	...	...	
TOTAL,	3,879	928	908	345	1,648	1,308	482	294	5,769	2,858	1,258	402	18

Concluded.

51	52	53	54	55	56	57	58	59	60	61	62	63	64	
SUITS UNDER ACT		SUITS UNDER THE PANJAB TENANCY ACT												
Suits to resume or assess land held exempt from revenue or rent	Suits not included in Columns 47 to 51 not being suits under the Panjab Tenancy Act	Suits under Section 5 by tenants for right of occupancy.	Suits to establish right of occupancy under Sec 8, on other grounds than those mentioned in the previous Sections of the Act	Suits under Section 6 by landlords for rebuttal of presumptive right of occupancy	Suits under Sections 10 and 11 for enhancement of rent	Suits under Section 14 for abatement of rent	Suits for arrears of rent, where remission is allowed under Section 15	Suits under Section 18 to set aside award of division and appraisement of produce taken for rent.	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy, (Sec 18, clause 1).	Suits under Section 19 by landlords for ejectment of tenants with right of occupancy (Sec 19, Clause 2)	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy.	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment	
..	...		..	...	.	...	.	..	.	...	.	9		
...	95	2		5		..		3	19	...	4	2	6	
82	1,229	323	45	147	38	5	30	30	34	99	514	13	27	
39	317	889	19	1,246	64	108	12	*469	45	5	292	6	89	
..	4	1	..	...	..		.	...	3	...		...	...	
..	.		..	..	...		...		...	...	..	..	...	
121	1,645	1,215	64	1 398	102	185	42	493	101	104	812	21	122	

PERIAL RETURN.

No. 7.

STATEMENT SHOWING THE VALUE OF SUITS DISPOSED OF IN THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1870.

1	2		3		4		5		6		7	8		9
VALUE OF SUITS.	NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.											Total value of suits.		REMARKS.
	Small Cause Courts.		Unpaid Local tribunals. *Honorary Civil Judges.*		Paid Sub-divisional tribunals. *Tahsildars and Naib Tahsildars.*		District Courts, other than Chief Courts of Districts. *Assistant and Extra Assistant Commissioners).*		Chief Courts of Districts. *(Deputy Commissioners.)*		Chief Court of Province.			
	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.	Land.	Other.		Land.	Other.	
Not exceeding Rs. 5	...	5,987	117	1,047	2,968	10,904	1,557	2,722	8	20	...	14,732	74,751	
„ „ „ 20	...	15,950	204	4,220	6,288	39,886	3,402	12,424	25	96	...	1,18,195	8,73,066	
„ „ „ 100	...	12,873	212	3,760	4,761	32,883	3,869	18,545	35	280	...	4,27,420	30,73,099	
„ „ „ 500	...	2,244	42	326	925	4,344	1,403	6,513	35	215	...	4,50,493	27,13,335	
„ „ „ 1,000	...	...	2	7	...	...	160	807	24	58	...	1,38,021	6,27,747	
„ „ „ 5,000	...	...	1	16	...	...	90	434	18	48	...	1,68,718	10,08,944	
„ „ „ 10,000	...	...	...	...	...	...	2	37	...	8	2	10,925	3,27,148	
„ „ „ 1,00,000	...	...	...	...	...	...	...	...	...	23	...	...	5,51,160	
Exceeding, Rs. 1,00,000	...	...	...	...	...	...	...	...	...	1	...	...	1,50,000	
TOTAL, ...	...	37,060	578	9,376	14,942	88,017	10,483	41,482	145	749	2	13,28,504	93,99,250	

IMPERIAL LIBRARY

No. 8.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL SUITS IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB, DURING THE YEAR 1870.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Number of cases on the file.				Disposed of without decree.					Decree passed.											Average duration of suits.	
										Without contest.				With contest.								
Class of Courts.	Suits remaining from last year.	Filed in.	Received by transfer.	Total for disposal.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Adjusted by mutual agreement.	Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Referred to arbitration.	Total disposed of.	Pending.	Over two months.	Over four months.	Contested.	Uncontested.
Small Cause Courts, ...	457	37,574	...	38,031	..	409	3,862	412	3,491	3,088	10,940	2,970	160	7,896	3,405	489	37,122	909	...	...	11	8
Unpaid Local Tribunals, ... *(Honorary Civil Judges.)*	261	10,014	...	10,275	8	5	1,689	132	658	644	2,932	605	10	2,244	727	312	9,961	314	12	3	22	14
Paid Sub-divisional Tribunals, *(Tahsildars and Naib-Tahsildars.)*	3,145	1,04,807	2	1,07,954	23	969	13,233	2,240	9862	9,233	28,747	5,266	369	21,528	9,534	2,637	1,03,641	4,313	174	3	23	17
District Courts, other than Chief Courts of Districts, *(Assistant and Extra Assistant Commissioners.)*	3,813	52,304	3	56,120	16	1,186	8,006	620	4,250	2,871	9,299	3,218	237	13,960	7,002	1,420	52,085	4,035	152	28	28	24
Chief Courts of Districts, ... *(Deputy Commissioners.)*	24	907	3	934	2	52	76	9	46	43	198	60	3	232	154	30	905	29	5	5	29	21
Superior Court of General Jurisdiction, *(Chief Court,)*	2	...	...	2	...	...	...	...	1	...	...	...	...	1	...	...	2	...	...	...	56	277
Total, ...	7,702	2,05,606	8	2,13,316	44	2,621	26,866	3,413	18,308	15,879	52,116	12,119	779	45,861	20,822	4,888	2,03,716	9,600	343	39	22	17

No. 9.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB, DURING THE YEAR 1870.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	For disposal.						Heard ex-parte.			Contested.										
Class of Courts.	Remaining from last year.	Instituted.	Received by transfer.	Total.	Transferred.	Dismissed for default, or under Sections 5 and 6, Act XXIII of 1861.	Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.	Total disposed of.	Pending at end of year.	Over two months.	Over four months.	Average duration.	Objections under Section 318 of Act VIII of 1859.	Objections allowed.
Appellate Courts, other than Chief Court of District, ... (*Assistant Commissioners.*)	...	32	...	32	...	...	2	...	...	16	...	2	12	32	...	...	...	10	...	...
Chief Appellate Courts of Districts, (*Deputy Commissioners.*)	325	7,129	...	7,454	3	420	686	28	44	3,473	408	888	806	6,756	698	192	109	27	...	...
Total, ...	325	7,161	...	7 486	3	420	688	28	44	3,489	408	890	818	6 788	698	192	109	27	...	...
Superior Appellate Courts *Commissioners*, ..	249	3,488	...	3,737	11	206	249	13	23	1,598	152	419	249	2,920	817	119	384	46	18	5
Additional Commissioners, ...	209	627	7	843	...	53	164	11	16	321	45	82	34	726	117	21	62		...	...
Total, ...	458	4,115	7	4.580	11	259	413	24	39	1,919	197	501	283	3,646	934	140	446	46	18	5
Chief Court of Province, Regular,	142	351	1	494		16	57	...	1	209	12	92	17	404	90	...	...	83	...	...
Chief Court of Province, Special,	204	1 091	1	1,296	2	47	705	...	...	320	11	66	53	1,204	92	...	...	42	...	...
Total, ...	346	1,412	2	1,790	2	63	762	...	1	529	23	158	70	1,608	182	...	...	52	..	...
GRAND TOTAL, ...	1,129	12,718	9	13,856	16	742	1,863	52	84	5,937	628	1,549	1,171	12,042	1,814	332	555	36	18	5

IMPERIAL RETURN.

No. 10.

STATEMENT SHOWING THE EXECUTION OF THE DECREES OF THE CIVIL COURTS OF THE PUNJAB, DURING THE YEAR 1870.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Class of Courts.	Applications to execute decrees.				Decrees completely executed.	Decrees partially executed.	Decrees in which there was no execution.	Transferred.	Total disposed of.	Pending.	No. of cases in which specific performance was enforced.	Nature and number of coercive processes issued.					
	Pending.	Filed.	Received by transfer.	Total.								Imprisonment of person.	*Moveable property.* Attached.	*Moveable property.* Sold.	*Immoveable property.* Attached.	*Immoveable property.* Sold.	Orders under Section 213, Code of Procedure.
Small Cause Courts, ...	608	18,545	24	19,177	6,521	5,542	6,045	215	18,323	854	54	1,911	7,091	2,218	...	...	...
Unpaid Local Tribunals, .. (*Honorary Civil Judges.*)	221	3,506	21	3,748	1,536	739	956	27	3,258	490	15	10	564	139	143	53	13
Paid Sub-divisional Tribunals, ... (*Tahsildars and Naib-Tahsildars.*)	4,591	45,082	789	50,462	22,011	10,536	11,255	751	44,547	5,915	542	198	10,557	2,002	1,510	679	11
District Courts, other than Chief Courts of Districts, ... (*Assistant and Extra Assistant Commissioners.*)	2,251	18,057	469	20,777	7,253	3,788	6,327	696	18,064	2,713	262	277	4,755	1,248	1,435	512	34
Chief Courts of Districts. ... (*Deputy Commissioners.*)	18	430	4	452	153	82	155	24	416	36	...	8	66	14	27	14	...
Total, .	7,689	85,620	1,307	94,616	37,476	20,681	24,738	1,713	84,608	10,008	873	2,404	23,033	5,621	3,115	1,258	58

Proceedings of the Hon'ble the Lieutenant-Governor, Punjab, in the Judicial Department, No. 1388, dated 26th September 1871

READ report on the administration of Civil Justice for the year 1870, furnished by the Registrar, Chief Court, dated 25th July 1871, and received on the 5th of August.

1. THE Hon'ble the Lieutenant-Governor remarks that the Civil Report for the past year is drawn up with great clearness; the arrangement is an improvement on that of past year's, tending to reduce the bulk of the report and render it far more interesting and generally useful.

2. The increase in the number of original suits instituted is remarkable, exceeding by 24 per cent. that of any previous year. The explanation is probably correctly found partly in the cause that has diminished the number of criminal cases, the increasing prosperity of the country and the return of favorable harvests, enabling money-lenders to institute suits in which, the previous year, they would have had but small hope of obtaining anything from their debtors, and giving the population generally the means to contest claims which they were, before, too poor to do. The reduction in the rate of stamp duty has also had a marked effect in increasing petty litigation.

3. The Lieutenant-Governor sees no cause for anxiety in the great increase of litigation. It will necessitate a more effective distribution of the judicial staff, now much overworked; but it shows the confidence of the people in the decisions of our Courts, and that the expense of obtaining justice is not such as to deter intending litigants.

4. The popularity of the Courts is shown markedly in the steady annual decrease in the number of cases referred to arbitration,—a system to which many officers are opposed, and which certainly does not now seem to be regarded by the people with much favor.

5. The officers of the Punjab have worked well during the year, and have kept down the increasing work with great success. The state of the pending files is highly creditable to the Courts, and the duration of suits, 19 days, is fair, and cannot probably be much reduced. It is worth consideration whether suits like that in the Deputy Commissioner's Court, Syálkot, for dissolution of marriage, which, under the Act, required to be kept pending for one year, should not be excluded from the general returns, as tending to give an unfairly high average to the ordinary litigation.

6. Only 32·6 per cent. of the Civil suits were disposed of by European Judges; while 67·4 were disposed of by Native Judges: 50 per cent. of the whole number were disposed of by Tehsildars and Naib Tehsildars. Although this state of things is at present inevitable, the Lieutenant-Governor considers that it is much to be regretted, and that the amount of judicial work imposed upon these officers must very largely impair their efficiency, prevent them from moving about their districts as much as is desirable, and weaken the general administration. The interests of the Government revenue must also suffer from the pressure of judicial work. Naib Tehsildars are, as a rule, from their education, the lowness of their pay, and their limited prospects of promotion, men who can hardly with advantage be entrusted with judicial duties. Their proper duties are fiscal and executive, and these are neglected when they have a large number of cases to decide. The increase in the number of cases decided by Honorary Magistrates is an improvement, and the Lieutenant-Governor thinks that any sound development of this special agency is advantageous. The office of Honorary Magistrate is eagerly sought by native gentlemen, and so long as selections are made of men of probity and intelligence a system is undoubtedly good which relieves the regular courts, and finds employment not above their capacity for gentleman who would otherwise have no interest in the administration.

7. The observation of the Deputy Commissioner of Dehli, that the service of summons might, in cases of the absence of the defendant, be more conveniently made by means of a registered letter than by affixing the summons to the door of his house, appears reasonable, though it does not from the statistics seem that much injustice has resulted from the present procedure, as, out of 12,119 cases in which a decree *ex-parte* was passed, there were only 1,005 applications to set the

decree aside, of which 657 were admitted. The courts would thus appear to be sufficiently careful of the interests of defendants who have been unavoidably absent, or who could show that they had not received service of summons.

8. The subject of dismissals by default deserves the attention of the Judges of the Chief Court. The order issued by them informing officers in camp to fix the place as well as the date, and to adhere to it, was a necessary one. The Lieutenant-Governor is aware that in some districts the pressure of miscellaneous work and the urgency of criminal cases often compels the postponement of cases; but there is nothing of more importance in the administration of justice than punctuality and a rigid observance of the dates fixed for the hearing of suits. It is uncertainty in this particular which renders our courts less popular than they would otherwise be.

9. The working of the Small Cause Courts has been efficient during the year, and a large proportion of the increased number of suits has fallen to their share,—30628 cases having been decided, against 26115 in the previous year. The average duration of cases is sufficiently low, and the few references to arbitrations show that, although there is no appeal from the order of the Judge, yet that his decisions are generally approved by the people.

10. The scheme for the separation of the judicial and executive branches of the service, now under consideration, provides for a very large extension of the Small Cause Court system. Such an extension, His Honor believes, can be made not only with safety, but also with much savings of judicial powers and valuable public time. The experiment has now had a fair trial, and has worked, on the whole, well. Justice is made easy to obtain, speedy and cheap. These are undoubted advantages, and, if the courts are consequently more resorted to, the Lieutenant-Governor can see no objection to such a result. It is better for a man with a real or fancied grievance, or a real or fancied claim, to be able to bring it at once into court than to be prevented from obtaining what he considers justice on account of the expense, delay, or difficulty of this procedure.

11. The appeal files in Deputy Commissioners' Courts were unusually heavy at the close of the year. The explanation for the heavy pending file in Bannu is accepted, and the Lieutenant-Governor is glad to hear that it has now been cleared off. In Commissioners, Courts there has been a considerable decrease in institutions. The state of the files at Amritsar at the close of year, was most discreditable, and special measures were necessary to clear off the arrears, which has now been effected. A pending file of 581 cases of which 367 had been pending over four months, represents an immense amount of hardship and injustice to litigants. It cannot be doubted, moreover, that, with such an accumulation of arrears, the door is opened wide to fraud parties preferring appeals not in the belief of eventually gaining the case, but knowing that no decision will be passed for months, during which time they may continue to hold what the lower court had decided they should surrender.

12. His Honor would be glad of an explanation of the cause of 54 cases of contempt of court, out of 89 for the whole province, having occurred in the Syálkot District. The population of Syálkot is quiet and respectful, and the result is unexpected.

13. The remarks of the Judges of the Chief Court on the general headings of the returns prescribed by the Statistical Committee will be brought to the notice of the Government of India. Greater precision in the headings is undoubtedly necessary if the statistics furnished are to be reliable.

14. The Punjab Tenancy Act has worked with very little friction. Suits by tenants for occupancy status were only 1215, and those of landlords for rebuttal of presumptive right of occupancy only 1398. Suits for ejectment have been few; while the comparatively small number of suits to recover arrears of rent from tenants show that the agricultural classes enjoy prosperity.

15. The Lieutenant-Governor feels sure that the important question of execution of decrees will continue to receive the careful attention of the learned Judges. The present state of things is very indifferent,—great delay is allowed to occur, unnecessary trouble to parties who have obtained decrees, and not sufficiently energetic measures to realize the sums decreed. It is a reproach to our procedure that when a decree has been passed, and the right of the claiment affirmed, he should be exposed to continued delay and expense in obtaining what

the law has declared to be his. The realization of a decree is often far more difficult than obtaining the official order. His Honor earnestly trusts that the Civil Courts will use their best efforts to improve the system of realizing decrees, and that they will consider it, though not the most showy and striking, yet one of the most important and careful of their duties.

16. The Hon'ble the Lieutenant-Governor cannot but think that the work of the past year has been of good quality as it certainly has been large in quantity. There are certain signs, altogether unmistakeable, that the Courts are more and more gaining the confidence of the people, and that the average character of judicial decisions is steadily rising. The supervision of the learned Judges of the Chief Court has largely helped to bring about this result; so also has recent legislation, which has reduced into order and immensely simplified the substantive law of the country.

17. The time has, in the opinion of the Lieutenant-Governor, come for a complete separation of the judicial and executive branches of the Government. The judicial branch will gain in efficiency,—procedure will be more clearly observed; greater care and consideration will be bestowed upon cases; greater punctuality will be observed in the despatch of business. But for the executive branch of the administration the necessity for the separation is of vital importance and extreme urgency. The flood of litigation has year by year been rising higher and higher till it at last threatens to swamp all other work. The District Officers, who should be constantly in the saddle marching about their districts, making themselves fully conversant with the people, their habits and ways, enquiring into the capabilities of the country, and carefully guarding the interests of the Government revenue, are compelled by the amount of judicial work and the necessities of judicial procedure to remain at head-quarters and become mere judges, no longer the administrators of important districts of the province. The men have not deteriorated; it is the system which has become too strong for them, and they must be released and permitted again to take up their legitimate duties, or the administration of the Punjab will be most grievously weakened.

18. A scheme for the separation of the judicial and executive branches of the service is now under consideration, and will shortly be submitted to the Supreme Government.

Ordered, that the foregoing remarks be forwarded to the Registrar of the Chief Court, Punjab.

By order of the Hon'ble the Lieutenant-Governor,

LEPEL H. GRIFFIN,

Offg. Secretary to Government, Punjab.